

"The Negotiations between Charles I  
and the Confederation of Kilkenny,

1642-9."

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Thesis submitted by J. Lowe for the  
degree of Ph.D. in the University of  
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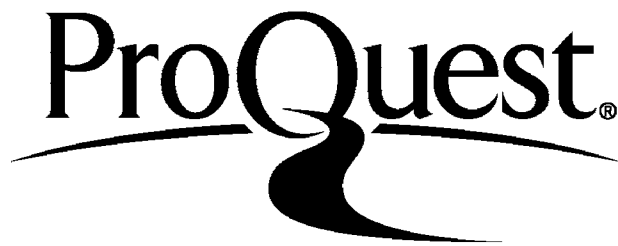
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Abstract of Thesis

Negotiations between Charles I and the Confederation of Kilkenny lasted from January, 1643, until his death in January, 1649, and were carried on from time to time in Paris and Rome as well as Dublin, Kilkenny and Oxford. Charles required troops, arms and money to enable him to defeat the English Parliament and the Scots: the Confederates desired religious freedom and political concessions. The operations of Charles' several agents were rarely co-ordinated; the Confederacy was split into factions. It is the primary object of this thesis to provide a full account of their complex transactions against the background of the war in England and the struggle for Catholic supremacy in Ireland.

In view of its unique importance and the accessibility of numerous original sources, many of which are now in print, the history of the Confederation has been strangely neglected. The only would-be major work to have appeared, Professor T. Coonan's The Irish Catholic Confederacy and the Puritan Revolution (1954), is partisan, weak on relations with England, and based almost entirely on published material. In this thesis, use of the abundant sources available, including a number that are unprinted, and due attention to the English side of affairs make it possible to reconstruct several key episodes for the first time and to throw further light on disputed or imperfectly known problems. At the same time, received views

of Charles' methods and character and of the Confederates' political inexperience, disunity, and failure to formulate a coherent policy are confirmed and expanded.

The machinery used in the negotiations and the parts played in them by Henrietta Maria in Paris, Kenelm Digby in Rome, and the various Royalist agents in Ireland, are described in detail. An attempt is also made to assemble all the accessible evidence relevant to the Earl of Glamorgan's well-known mission, to discuss the theories put forward to explain his powers, and to suggest a novel and possibly definitive interpretation.

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Abbreviations

The following abbreviations have been used in the notes:

- Add. MSS.        - Additions to the Manuscripts (British Museum).
- Aphor. Disc.    - Aphorismical Discovery of treasonable faction or a Contemporary History of Affairs in Ireland (ed. J.T. Gilbert).
- B.M.              - British Museum
- C.S.P.D.        - Calendar of State Papers, Domestic.
- C.S.P.I.        - Calendar of State Papers, Ireland.
- C.S.P.Ven.     - Calendar of State Papers, Venetian.
- Cal.Cl.S.P.    - Calendar of Clarendon State Papers.
- Cl.S.P.        - Clarendon State Papers (ed. R. Scrope and T. Monkhouse).
- Com. Rin.      - Commentarius Rinuccinianus de Sedis Apostolicale Legatione (ed. J.K. Kavanagh).
- E.H.R.         - English Historical Review.
- Embassy        - The Embassy in Ireland, of Monsignor G.B. Rinuccini.
- Gilbert           - History of the Irish Confederation and the War in Ireland (ed. J.T. Gilbert).
- Gilbert  
(Bellings)       - Refers to the above when Belling's own narrative is being cited.
- Harl. Misc.    - Harleian Miscellany.
- Historical View   - Clarendon, An Historical View of the Affairs of Ireland.
- H.M.C.           - Historical Manuscripts Commission.
- I.H.S.         - Irish Historical Studies.



- J.R.S.A.I. - Journal of the Royal Society of Anti-  
quaries of Ireland.
- L.J. - Lords Journals.
- N.L.I. - National Library of Ireland.
- N.S. - New Series.
- P.R.O. - Public Record Office.
- R.O. - Roman Transcripts in the Public Record  
Office, England.
- R.I.A. - Royal Irish Academy.
- Tract - In the collection of the Royal Irish  
Academy, Dublin; Box 37, Tract 12,  
v. 41.
- T.C.D. - Trinity College, Dublin.
- T.C.P. - Transcripts of the Carte Papers in the  
Bodleian Library, Oxford, preserved in  
the Public Record Office, Ireland.

Preface.

Soon after Charles I had raised his standard at Nottingham he realised that it might be necessary to obtain external aid in order to counter-balance the superior material resources of Parliament. As the tide of war flowed steadily against him, the need to obtain men and supplies became his paramount concern. Although he turned in desperation to the mainland of Europe, he pinned his main hopes on Ireland just as he had done in the time of Strafford when the Scots had challenged his supremacy.

At first, he desired simply to see the country pacified so that the Royalist army might be released for service in England, but when that army, freed by a temporary truce, had sailed for England only to be crushingly defeated almost at once, he began to rely on the Irish Catholics themselves. From the Spring of 1644 until just before his death he continued to hope that they would intervene in England on his behalf. On one occasion the Confederacy despatched a small contingent to Scotland, where it fought with distinction under Montrose, but they never sent the full-scale expeditionary force which might have had a decisive effect on the struggle with Parliament. The difficulty was that Charles would not or could not agree to their minimum terms, while they could not agree among themselves.



The negotiations that took place were protracted, complex, tedious and frustrating to both sides. For Charles, the Marquis of Ormond was officially in sole charge, but in fact several agents were at work at different times and in different places, including Rome and Paris. Unfortunately, their operations were frequently at cross-purposes and thus the source of much misunderstanding and confusion. On the other side, the Confederacy was an uneasy coalition of conflicting interests; some wanted peace with Charles at any price, others desired virtual independence.

Aspects of the negotiations have been touched on <sup>by various writers</sup> but no attempt has been made to describe them as a distinct theme. The primary object of this thesis is to attempt such an account.

Despite its important place in the history of Ireland and its bearing on the Civil War in England, the Confederation of Kilkenny has attracted strangely little attention. One reason for this neglect - until the recent rise of a school of professional Irish historians - was the tendency in the past to overlook the special case of the Catholics in writing about Irish history in general, a second, that much of the evidence now available used to be either unknown or inaccessible. Whatever the reason, the ~~contemporary~~ historian who wishes to study the Confederacy has to find his own way through a decade of astonishing complexity

crammed with events which would furnish material for any number of monographs and articles, apart from several major works. His task is in one sense lightened, in one sense made more arduous, by the abundance of original sources, now mostly in print, which are at his disposal.

Some observations on the particular sources used in this thesis must now be made. At least one apologist representative of each of the many parties involved in the relations between England and Ireland has left his version of events. In addition there are numerous state papers, tracts, contemporary news reports, and the huge collections of documents compiled by Carte and Gilbert. The only serious deficiency is the absence of the official papers of the Confederacy which were destroyed by fire, the greater part in 1711 and the remainder in 1922 (Fifteenth annual report of the Commissioners of Public Records of Ireland, pp.648 ff.).

The Old Irish are represented by Aphorismical Discovery of Treasonable Faction or a Contemporary History of Affairs in Ireland, 1641-52, (ed. J.T. Gilbert, 3 vols., Dublin, 1879-80), the work of an anonymous author, writing some time after the events he described, who appears to have been a supporter of Owen Roe O'Neill, and who, if not in the thick of things himself, was acquainted with some who were. In essence his work is at once a defence of Owen Roe O'Neill and the Earls of Antrim and Glamorgan and a

rumbustious attack on the New Irish and the Marquis of Ormond. It is not remotely objective and its chronology is totally unreliable. I noted an alarming number of mis-statements whenever it was possible to consult an unimpeachable second source. Yet the author's frankness is disarming and he includes many details not to be found elsewhere.

The Papal Nuncio, Rinuccini, speaks for himself. The Commentarius Rinuccinianus takes the form of a narrative written by B. O'Ferrall and D. O'Connell (ed. J. Kavanagh, 6 vols., Dublin, 1949) but is in effect a gloss upon Rinuccini's voluminous correspondence, particularly with his superiors in Rome, and a mass of documents relating to Irish affairs. It is a work of immense value; for some episodes it is the only source. It is revealing about papal policy and papal ideas on church and state. It is also international rather than insular in outlook and helps to place Anglo-Irish relations in an unusually wide perspective. Naturally many of the letters and reports simply describe what the Nuncio has been doing in a manner favourable to himself. But on the whole the Nuncio was honest, if frequently misguided, and he suppressed little. Moreover, a fair proportion of the documents and of the letters emanating from Rome are critical of his actions. Volume VI of the Commentarius contains a valuable synopsis in English of the whole work.



A selection of Rinuccini's most important letters to his immediate superiors at the Curia was made by G. Aiazza and translated into Italian (La Nunziatura in Irlanda, Firenze, 1844). Miss A. Hutton in turn translated Aiazza's version into English (The Embassy in Ireland of Monsignor G.B. Rinuccini, Dublin, 1873). The Mission of Rinuccini (M.J. Hynes, Dublin, 1932) throws little light on the scene and indeed sometimes obscures it. It is useful, however, as a precis of the Commentarius.<sup>1</sup>

Massari, Dean of Fermo, who was a close friend and devoted adherent of Rinuccini, left a highly personal account of the years 1645-7 (Racconto di viaggi di Dionisio Massari), translated into English under the misleading title, My Irish Campaign, and published in inconvenient serial form in the Catholic Bulletin (1916-1920). This is an important source because it contains details of Massari's labours on Rinuccini's behalf, especially of a mission to Rome which he undertook after the clergy had rejected the first Ormond Peace.

Nicholas ~~French~~, who held moderate views during most of the Confederate period, took to writing history and political polemics after the Restoration. His works are lively and disclose some original facts, but he was too concerned with arguing a case to be objective.

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1. Unfortunately its publication preceded that of the Commentarius and it cannot be used, therefore, for purposes of cross-reference.

For example, The Unkind Deserter (Historical Works, 2 vols., Dublin, 1846), namely Ormond, is plainly the angry statement of a man convinced that a trust has been betrayed.

The Earl of Antrim, whose part in Anglo-Irish affairs was unique - ardent royalist, confirmed Catholic, Ulster chieftain -, is well-represented both in the Montgomery MSS. (ed. G. Hill, Belfast, 1869) and The Macdonnells of Antrim (G. Hill, Belfast, 1873), which, while being a historical account of the Antrim family, contains a number of documents relating to Antrim's career, in particular to his efforts at the Restoration to justify his conduct during the Confederacy period.

The leading apologist for the Anglo-Irish, the 'Ormondists', was Richard Bellings whose mellifluous narrative of events was unearthed and edited by Sir John T. Gilbert (History of the Confederation and War, 7 vols., Dublin, 1882-91). Although Bellings was secretary of the Supreme Council of the Confederacy for most of its existence, he was remarkably reticent about political and administrative matters. It is to be remembered that he was writing after the Restoration as the friend and dependant of Ormond, to whom he submitted his draft for approval. The events he described may by then have been fading from memory and there was a strong temptation to reconstruct Confederate history chiefly as a vindication of his and Ormond's part in it.

Moreover, he had been able to keep by him only a fraction of the papers accumulated during his terms of office. These major defects in his narrative must be emphasized because historians have tended to follow Gilbert, who was naturally elated by his discovery, in assuming it to be comprehensive in scope, authoritative and relatively unbiased. However, provided one is wary of Bellings' attitude of sweet reasonableness and the impression of impersonal authority he manages to convey, one finds him indispensable in some respects.

But in fact History of the Confederation and War is less important for the original narrative it embodies than for the enormous collection of illustrative documents culled from many sources by Gilbert which take up most of the space in its seven volumes. (This is also true of the Aphorismical Discovery). These documents are now easily accessible in the repositories to which they belong. Nevertheless, Gilbert made his selections with such skill that even to-day one seldom notices a serious omission from the sources that he consulted.

The National Library in Dublin contains a fragment of an unpublished manuscript known as 'The War and Rebellion begun in 1641' (MS. 345), which appears to have been put together by a group of Anglo-Irish gentlemen<sup>1</sup>

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1. In a preface prepared in 1867 the principal author is described as Nicholas Plunket. That may have been the gentleman's name but he could scarcely have been the same Nicholas Plunket who was Speaker of the General Assembly and for a time a supporter of Rinuccini.



during the last two decades of the seventeenth century. Carte had access to the whole of the original, 'The Plunket Memoirs', as he described it, and prepared an abstract which is now among his papers in the Bodleian and has been transcribed and added to the fragment in the National Library. Thus, we have 313 pages of the original manuscript and 66 pages of Carte's transcript. It is abundantly clear from a comparison between the abstract and his biography of Ormond that Carte made copious use of it. The authors of the manuscript sought to justify the conduct of the Anglo-Irish during the Rebellion and, more in sorrow than in anger, condemned the unjust treatment meted out to many of them in the Restoration settlement. Their narrative is useful but essentially a ~~polemic~~ <sup>philippic</sup> against Rinuccini and the native Irish.

Also preserved in the National Library is a manuscript entitled 'A Light to the Blind' (MS.476-7). This was described by Gilbert in the 5th Appendix to the 10th Report of the Historical MSS. Commission, and there is a copy of a substantial portion of it among the Carte Papers in the Bodleian, namely No.229 (a photostat copy of this copy is in the National Library). Only Book 1, which is an introduction, and chapters 6, 7, 8 of this work are concerned with the Confederate period. Yet, it requires attention because considerable space is devoted

to the events surrounding the outbreak of the Rebellion and the inauguration of the Confederacy. Caution is called for since the author wrote at second and indeed at third hand and frequently got his facts wrong.

The Memoirs of the Earl of Castlehaven were not published until 1680 and were frankly designed <sup>by the author</sup> as whitewash for himself and Ormond. They are perhaps more revealing for the unintended glimpse they afford of the somewhat unsubtle manoeuvres of one who, like so many others, was anxious to be on the right side during the last act of the drama, rather than for any positive information they convey, although they do contain several details not mentioned elsewhere.

As published, The Memoirs of the Earl of Clanricarde (London, 1757) are of little value because the period 1643-7 is not covered. However, in 1930 the British Museum acquired a manuscript which turned out on inspection to be a missing portion of these memoirs (Add. MS.42063; see the short note by Robin Flower, British Museum Quarterly, vol.V, No.1, 1930, pp.24-5). This portion begins on 24 September, 1643, and ends on 5 September, 1647. It contains numerous letters to Ormond and the Confederate leaders and in view of Clanricarde's leading role in the period is indispensable. There is a copy of the manuscript on micro-film in the National Library of Ireland.

The Marquis of Ormond was eulogized and defended by Carte in his magnificent biography (Life of James Duke of Ormond, 6 vols., Oxford, 1851). But it is to be noted that the work, like the Commentarius Rinuccinianus, is fundamentally a skilful arrangement in narrative form of the original Ormond Papers - ~~removed in cartloads~~<sup>removed</sup> from Kilkenny and deposited in the Bodleian by Carte - besides being reinforced by a lengthy appendix of correspondence between Ormond and others. The drawback is that Carte was selective in more ways than one; many important documents are omitted from his appendix and it is often impossible in perusing his narrative to divine his sources. Accordingly it is essential to consult the original collection in the Bodleian despite its forbidding size. Conveniently, transcripts are to be found both in the Public Record Office, London, and the Public Record Office, Dublin, although incomplete, as well as copies of the whole on micro-film in the National Library.

The Ormond Papers are the only source for the official history of the Viceroy and the government and for Charles' open relations with the Confederates. They are also invaluable because Ormond's friends at court provided him with a racy and full commentary on ministerial intrigues and intentions from various points of view. And finally they provide the key to an understanding of the enigmatic character of Ormond himself.

I examined all the documents in the collection described as Ormonde MSS. at Kilkenny, now deposited in the National Library of Ireland. It is quite obvious that Carte so astutely extracted the more interesting documents from Ormond Castle that only trivia were left behind. In spite of this I found several documents that added to my knowledge. The Calendar of MSS. at Kilkenny (New Series, vols. I and II, London, 1903) is to be used with caution for the editor sometimes omits important information.

Clarendon's particular account of Irish affairs (An Historical View of the Affairs of Ireland - I have used the edition of 1819) is paradoxically much less satisfactory than his History of the Great Rebellion (7 vols., Oxford, 1849 ). In the first work he was quite unashamedly defending Ormond against the onslaught made upon him by Bishop French. Moreover, he was not dealing with events personally observed but relying on evidence supplied by Ormond himself. In any case for such a temperate man he was unusually hostile to the Irish Catholics. Nevertheless, in several respects the work is valuable. For one thing, it gives, briefly, Ormond's own gloss on the events in which he had taken part. Of course, the History of the Great Rebellion is profoundly important both in supplementing the Ormond



Papers and in putting Anglo-Irish relations in their place which it is salutary to be reminded-was not a very large one.

For the period March-August, 1647, The Memoirs of George Leyburn, London, 1722, are invaluable. These months covered the last stage of the negotiations between Ormond and the Confederacy and but for Leyburn's account it would be impossible to do them justice. Furthermore, it can for once be said that an eyewitness of contemporary events reported what he saw with genuine objectivity.

I experienced the greatest disappointment in connection with the mission of the Earl of Glamorgan to the Confederacy. The Historical Manuscripts Commission published a report <sup>(Twelfth Report, 1891)</sup> A on the manuscripts housed at Badminton, seat of the Dukes of Beaufort, the descendants of Glamorgan and inheritors of the bulk of his papers, ~~(Twelfth Report, 1891)~~ and I hoped to be able to examine them. However, in reply to my request to do so the present Duke of Beaufort replied:

"I regret that I am not able to trace the documents referring to the Earl of Glamorgan, and even if they could have been traced, I am afraid they would have to be regarded as private, and not for publication.

Badminton,  
19th September, 1957."<sup>1</sup>

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1. The Registrar at the Public Record Office, London, Miss Coates, has kindly informed me that her office has no information about any movement of the papers relating to Glamorgan.

This is particularly regrettable inasmuch as there is a serious discrepancy between the number of documents published by H. Dircks, Glamorgan's biographer (The Life and Times of the Marquis of Worcester, 1866), who spent some time at Badminton, and the number mentioned in the H.M.C. report. It would be helpful to ascertain why this anomaly arose.

The Protestants in Ireland are well represented especially during the early years of the Rebellion. There are accounts by E. Borlase, one of the two Lords Justices at the time of the outbreak, (History of the Execrable Irish Rebellion, 1680; Brief Reflections on the Earl of Castlehaven's Memoirs, 1682), and by Sir John Temple (The Irish Rebellion, 1646). In addition there is an abundance of contemporary tracts; for example, one tract preserved in the Royal Irish Academy, Dublin, gives the detailed report prepared by the delegation of extremist Protestants that went to Oxford in April, 1644. Although there was little in it directly relevant to my subject, I found The History of the War of Ireland from 1641 to 1643 by a British officer (ed. J. Hogan, Dublin, 1873), a parliamentary account of the campaigns in the north, a reminder of the complexity of the general picture.

As for Charles and Court policy, material is by comparison thin - apart from the information provided by Clarendon and Ormond's gossiping English correspondents.



Captured papers published in the collections of Rushworth and Husband and in the Harleian Miscellany, The Letters of Charles I (ed. Sir Charles Petrie, London, 1935; ignoring the editor's own bridge passages which, at least in so far as they concern Ireland, are a travesty of the sequence of events), letters exchanged between Charles and Henrietta Maria, documents published by Warburton (Prince Rupert and the Cavaliers, 3 vols., London, 1849), these are the main sources.

I found the collections of tracts and news reports in the British Museum and the National Library of Ireland occasionally informative, and those in the Halliday Collection of the Royal Irish Academy exceptionally useful. I examined the MSS. preserved at Trinity College, Dublin, only to find that Gilbert had already printed most of them. Even so I came across a few noteworthy unpublished documents. It is incidentally a matter of regret, shared by the present Keeper of MSS. at Trinity, that no record was made of which documents Gilbert had seen fit to transcribe. As a result, the researcher must decide whether to transcribe an interesting document himself or to examine Gilbert's various publications in order to ascertain if the task has been done already. The most important of the documents gathered together by Gilbert and now preserved in Pearse Street Library and the Royal Irish Academy, Dublin, have

been printed. Some of the manuscripts in the Royal Irish Academy are relevant to the Confederate period.

The National Library of Ireland now contains an important collection of micro-film copies of documents relating to Irish affairs drawn from many sources. Of these several are indispensable, namely those from the Vatican Archives, the Simancas collection, and the State Archives, Paris. Documents relating to Ireland have also been extracted from the Additional MSS. in the British Museum and micro-filmed - in this case, however, it is perhaps more convenient to refer to the originals.

The Calendars of State Papers for England and Ireland, Letters and Papers relating to the Irish Rebellion (ed. J. Hogan, Dublin, 1936) The Orrery Papers (ed. E. Maclysaght, Dublin, 1941) and The Tanner Letters (ed. Charles McNeill, Dublin, 1943) were not fruitful sources. On the other hand the Calendar of State Papers Venetian (ed. A.B. Hinds, London, 1926-7), the Calendar of Clarendon State Papers (4 vols., Oxford, 1872-1932), the Clarendon State Papers in the Bodleian, to which I referred only when seeking amplification of a Calendar reference, and the Clarendon State Papers (ed. R. Scrope and T. Monkhouse, 3 vols., Oxford, 1767-82), contained a quantity of valuable material. So also did several of the reports of the Historical Manuscripts Commission, notably those on the Portland MSS. and the Egmont MSS.

The secondary sources for this period are inadequate. The only work to deal comprehensively with the Confederacy since C.P. Meehan's primer, The Confederation of Kilkenny, was published in 1862 is Professor T.L. Coonan's The Irish Catholic Confederacy and the Puritan Revolution (Dublin, 1954), and this is a poor book. A pretentious style fails to conceal ignorance of the many sources available and numerous inaccuracies. Moreover, since it has all the appearance of an authoritative text, it may mislead a reader unacquainted with the period.

Biographies of such personalities as Sir Kenelm Digby, George Digby, the Earl of Glamorgan, Henrietta Maria, Endymion Porter, Secretary Nicholas and Charles I himself sometimes entertain but rarely instruct. Indeed, by far the most informative sources are the articles in Irish Historical Studies and the unpublished thesis of D.F. Cregan (The Confederation of Kilkenny: its organisation, personnel and history, The Registrar's Office, the National University of Ireland), which contains a detailed description of the family background and careers of the principal confederates as well as a summary of the debates in the General Assemblies convened during the Confederacy's existence.

## Chapter I

### Charles I and the Irish Catholics, 1638-42.

When he initiated talks with the Catholic Confederacy in January, 1643, it was not the first time that Charles I had hoped to use Irish troops against his Protestant subjects elsewhere. Previously, in 1638, he had thought of raising an army in Ireland for the purpose of subduing the Scots. Accordingly he had asked Strafford what military resources might be available<sup>1</sup> and Strafford had increased the size of the army from 2,000 to 8,000 men. At about the same time he had also approved a scheme proposed by the Earl of Antrim for recruiting a Catholic army to defend Northern Ireland in the event of an invasion from Scotland, despite Strafford's low estimation of Antrim's character and ability.<sup>2</sup> And one year later he had appointed Antrim Lieutenant of the Western Highlands and the Isles.<sup>3</sup>

On being recalled to England in September 1639, Strafford soon came reluctantly to the conclusion that in view of the King's weakness in face of the mounting

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1. William Knowler, Letters and Dispatches of the Earl of Strafford, London, 1739, II, pp.187-8.

2. Ibid.; see also p.278, pp.296-7, pp.300-6.

3. G. Hill, The Macdonnells of Antrim, Belfast, 1873, app. xii, pp.444-6.



intransigence of Parliament it would be necessary to bring over the army from Ireland. The Catholic members of the Irish Parliament voted the subsidies required for its maintenance with such alacrity as to persuade Strafford not only that their devotion to the King was unbounded but that contrary to all indications he personally had finally won their favour.<sup>1</sup> In both respects he exaggerated<sup>2</sup> and indeed they were shortly to join the pack baying for his life. Their generosity really sprang from self-interest, for they saw - as did the opposition in England from a different point of view - that the Scots could be instrumental in shattering the royal power and placing the Irish Catholics at the mercy of an English Parliament dominated by Puritans who had declared their intention of extirpating the Catholic faith from the three kingdoms. Some limitation of the King's powers was desirable because they hoped thereby to win more legislative freedom for the Irish Parliament, but a limitation so great as to give effective control to the Puritan majority in the English House of Commons was to be prevented at all cost. Thus, for them, as for the King, it was essential

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1. C.V. Wedgwood ( The King's Peace, London, 1955, p.321) assumes this to be true on the strength of Strafford's own report.
  2. As on his departure from Ireland when he described the Irish as : "fully satisfied and as well affected to his Majesty's Person and Service, as can possibly be wished for." Knowler, II, p.203.

that the Scottish insurrection should be suppressed.

So far and for a short time to come they worked in collaboration with the Protestant members. When the Irish Parliament assembled in October, 1640, both sides vented their discontent with Strafford's administration and in November they decided to send a joint delegation to England to support his impeachment. From the Catholic standpoint this was a mistake. Without Strafford, the <sup>predominantly</sup> Catholic army could not be conveyed to England, and Strafford paid with his life for its non-appearance.

Moreover, just as they had feared, the King's inability to crush the Scots threw him on Parliament's mercy and obliged him to begin surrendering his prerogatives. As far as Roman Catholics in Ireland were concerned this was the writing on the wall. Sooner or later they must either acquiesce in the destruction of their religion or seize control of the government in Dublin for themselves and assist the King to overcome the Puritan opposition.

For his part, the King wanted to keep an army in Ireland which could be used in the last resort against Parliament. To this end he was fully prepared to grant the 'Graces' for which the Irish had so long clamoured,<sup>1</sup> as he made plain

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1. Charles I to the Lords Justices and Council, April 3, 1641, Calendar of State Papers Ireland, pp.317-22; see also pp.268-9.



to a delegation representing both houses of the Irish Parliament which presented a list of grievances to him in 1641. The English Parliament was equally determined to have the army disbanded and the penal laws rigorously enforced.<sup>1</sup> Their policy was fortified by the fact that the King was compelled to communicate with the Irish through the Council in Dublin, the majority of whose members were prepared to block any measure to the advantage of the Irish Catholics. Indeed, its two senior members, the Lords Justices, Parsons<sup>2</sup> and Borlase, sympathised with Pym's aims and may even have

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1. Charles himself was fully aware that his intention to afford redress to the Irish was frustrated by the deliberate policy of Parliament; cf. his answer to a declaration from the House of Commons: "if he had been obeyed in the Irish affairs, before he went to Scotland, there had been no Irish rebellion; or after it had begun, it would have been in a few months suppressed, if his directions had been observed; for if the King had been permitted to perform his engagements to the Irish agents, and had disposed of the discontented army beyond the sea, there is nothing more clear than that there could have been no rebellion in Ireland, because they had wanted both pretence and means to have made one."

Reliquae Sacrae Carolinae, Hague, 1650, pt. II, p. ~~22~~ 10.

2. Of the two Lords Justices Parsons had by far the more compelling personality. There is no question of his animus against Roman Catholics and his Puritan sympathies; cf. Clarendon, An Historical View of the Affairs of Ireland, Oxford, 1819, p. 1040 : "(Parsons) was most addicted to the English rebels, and most pliable to their ends." Some, if not all, Irishmen were convinced that there was ~~no~~ collusion between Parsons and the Puritan leaders; Bishop French, Historical Works, Dublin, 1846, p. 36; see also Richard Bellings, History of the Irish Confederation and the War in Ireland, ed. J.T. Gilbert, 7 vols., Dublin, 1882-91, I, p. 17.

obeyed his directives.<sup>1</sup> There is tenuous evidence that Parsons wished to goad the Catholics into a desperate and therefore ill-planned revolt so that he could have the satisfaction of suppressing it without too much difficulty and a convenient pretext for a fresh wave of plantations.<sup>2</sup> Whether this was truly their object or not, the Lords Justices gave the impression of being determined to delay the granting of any graces from the Crown until Parliament should be in complete command across the water.<sup>3</sup> The author of the Aphorismical Discovery went so far as to claim that on the eve of the rising they deliberately engineered the early prorogation of the Irish Parliament

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1. Though appointed Lord Lieutenant in 1641 (Charles I to the Lords Justices, 16 June, 1641, C.S.P.I., p.302), Lord Leicester never set foot in Ireland.
  2. Cf. A Light to the Blind (preserved in the National Library of Ireland), p.63: "In the Interim the Lords Justices and most of the Council were pleas'd at this Revolution and conceaveing allready an assurance of haveing soon all the estates of the Catholicks in the kingdom, after which they had been Long breathing; did now take upon them to use the utmost of their skill to accomplish that dessighn."
  3. According to the Plunket-Dunne MS . (preserved in the National Library of Ireland), p.145, the Ulstermen were infuriated by the rumours spread by the Parliamentarians and provoked by the "preposterous and designed severity of the Lords Justices"; cf. also "The Justices could easily have sent a troop or two to seize Sir Ph. O'Neale and so have prevented all the mischief" (*ibid.*, p.152). In A Light to the Blind, p.50a a plot is described to destroy episcopacy and the Catholics of Ireland.

until October 21st as a means of postponing the enforcement<sup>4</sup> of the King's directive to make concessions to the Irish.<sup>1</sup> At any rate, as a result of their apparent policy a number of influential Catholics in Ulster, who had long been contemplating an insurrection, became convinced that their hour had struck, otherwise the English Parliament, having encroached further on the King's prerogatives, would eradicate their religion and drive them from their lands, a policy aimed at rich and poor, Old and New Irish alike.<sup>2</sup>

It has often been put forward as a valid reason for condemning the Rebellion that it took place at a time when the Irish were as well off as they had ever been with every prospect of their situation becoming better still. This is to overlook the fact that their independence could only increase in proportion as the King's strength grew weaker, to the gain of the opposition. Naturally they had no wish to benefit in the short term from this process when its final outcome would lead to the ascendancy of the Puritans in Ireland and the extinction of everything they cherished.

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1. Aphorismical discovery of treasonable faction or a contemporary History of Affairs in Ireland, 1641-52, 3 vols., ed. J.T. Gilbert, Dublin, 1879-80, p.12. There may have been something in this general allegation even though it was wrong in one point of detail - Parliament had been prorogued until November 11th and not October 21st. Bellings noted tentatively that the agents had been on their way from the King before Parliament had been adjourned and that, in any case, had the substance of the Graces been made public there would have been no insurrection; Gilbert, 1, p.27; see also the Protestation of the Anglo-Irish, 1642, *ibid.*, p.25.

2. Cf. Gilbert (Bellings), 1, p.15; Remonstrance of the Irish of Ulster, Aphor. Disc., pt.II, pp.451-60.



The leading conspirators in the revolt in the North were Rory O'More and Sir Phelim O'Neill, who claimed consistently that they were acting in the King's interest and with his approval. The King's complicity has been the subject of much inquiry and dispute, so far inconclusive and likely to remain so in the absence of any convincing evidence.<sup>1</sup> The problem is complicated by the probable existence of not one but two plots; one plot involving O'Neill and O'More, the object of which was the expulsion of the English and Scottish settlers from Ulster; the other, if it can be described as a conspiracy, involving the King himself, Antrim, Ormond, Dillon and several lords of the Pale, the object of which was to seize Dublin and the main strong-points. In fact, the King probably supported the second plan but had no direct connexion with the first. However, at some point, the two sets of plotters became aware of each other's intention and agreed to collaborate.

As for the King's part, this much is certain; he was in touch with members of the Pale nobility throughout the summer of 1641 and could scarcely have failed to know of their plans to wrest power from the Puritan-dominated Council in Dublin.<sup>2</sup> Again, when in May 1641, he assented

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1. The most searching inquiry into this matter was carried out by R. Dunlop as long ago as 1887: 'The Forged Commission of 1641', E.H.R., 1887, II, pp.527-33.

2. Cf. S.R. Gardiner, A History of England from the Accession of James I to the Outbreak of the Civil War, 1603-42, 10 vols., London, 1883-4, X, pp.7-8, Note, pp.92-4.



to the disbandment of the Irish army - the army which had been raised in the first place as a means of turning the tables on the English Parliament - and commissioned eight officers each to convey 1,000 troops abroad, he must have realised that more than half of them were friends and agents of Owen Roe O'Neill and likely to use the regiments so fortuitously placed at their disposal for another purpose.<sup>1</sup>

Still, the most damaging evidence against him, which comes to us from Randall McDonnell, Earl of Antrim, is somewhat suspect.<sup>2</sup> Antrim had married the Duke of Buckingham's widow and perhaps, as a result, ingratiated himself at Court. Yet, like so many of the King's protégés, though passionately loyal, he was both unwise and ambitious, too ready with offers of large contingents of troops for the King's service that tended to melt away when the call sounded for muster parade. He liked to cut a dash and found it hard to resist exaggeration. Nevertheless, at the Restoration, after lengthy interrogation, he was exonerated from the charge of falsely maligning Charles I.<sup>3</sup>

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1. According to one of the authors of the Plunket-Dunne MS., however, the King wanted to send the army abroad but was hindered by the 'puritans' - p.147.

2. This would seem to have been Bellings' opinion - "Nor am I ignorant that persons of quallitie, to ingratiate themselves with the prevailing party, have given, under their signature, relations which involved many more, but I knowe that themselves after out of remorse of conscience, have averred, and convinceing themselves, doe manifeste that these stories were feigned by them." Gilbert, 1, p.10.

3. Hill, app.XVIII, pp.470-3.

According to Antrim, in an account which he gave to the Cromwellian authorities in 1650, the King had conveyed a message through Thomas Bourke to Ormond<sup>1</sup> and himself requesting that the army, instead of being disbanded, should be increased from 8,000 to 20,000 men with a view to their use against Parliament and the seizure of Dublin Castle. Unfortunately, this message arrived after the army had been already dispersed. Antrim informed the King of this and the King replied:

"signifying his pleasure that all possible endeavours should be used for getting together these 8,000 men, and that an army should immediately be raised in Ireland that should declare for him against the Parliament of England ..."

This message Antrim had passed on to some of the rebel lords who,

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1. Ormond's part in the conspiracy is obscure. Bishop French simply stated that he was in the plot to seize Dublin Castle, op.cit., The Sale and Settlement of Ireland, p.120; see also Aphor. Disc., I. p.12; Hickson, Irish Massacres of 1641, 2 vols., London, 1884, II, p.191. On March 3rd, 1942, Ormond wrote to Sir Philip Percevall protesting: "... If it be proved that I gave anything like intelligence to any rebel, or ever writ to Pale Lord in all my life, let me be accounted what I know Wishard is, a prating false varlet." Egmont MSS., I, pt.1, pp.165-6. But for once it is hard to believe that Ormond was telling the exact truth. Cf., for example, A Light to the Blind, p.61: "(Ormond was) to contrive there with some others of his (the King's) subjects, the best methods they could, for seiseing upon the Parliamentary Justices; and for declareing in favour of his maiesty, against the Proceedings of the English Parliament. Ormond communicated the message to som choice catholicks and Protestants and after several conferences, the buisness was at last settled: and the 16 of November in this same year 1641, when the Irish Parliament was to meet at Dublin, was appointed for putting it in execution."

But, the author added, the Old Irish heard of it, though Ormond tried to conceal it.

"fell upon it (the business) without us, and sooner and otherwise than we should have done taking it to themselves and in their own way the managing of the work, and so spoiled it."<sup>1</sup>

Thus Antrim's account would convict the King of encouraging the rising, while dissociating him from its actual timing and the manner in which it was begun.

Whatever the King's role, the leaders of the Northern Plot were busily developing their plans throughout August and September. Encouraging messages were received from abroad and they were in correspondence with <sup>Dwan Roe</sup> O'Neill.

Then in late September the news broke suddenly that the rising had been put off, because, it was said, the Lords of the Pale were unwilling to move until Dublin Castle had first been captured. There is evidence, however, that the real author of this deferment was the King himself. Such a suspicion certainly fits in with Antrim's statement and with what might have been expected of him. The case against him might be elaborated as follows. His sole interest in Ireland was strategic; Ireland should help him to smash the power of the Scots. As Parliament had obliged him to disband Strafford's army, he egged on the Irish Catholics to seize power on his behalf and furnish him with a Catholic army in its stead. However, the moment

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1. Hill, App. XIV, pp.448-451; Cox, History of Ireland, 2 vols., London, 1869, App. XLIX, pp.206-209.



the Scots seemed amenable to reason, as they did in September, 1641, there was no longer any urgent need for Irish support and consequently no need for a military coup. With the return of the Scots to their allegiance he could hope to emerge the victor in his struggle with Parliament. Nonetheless, as a reasonable safeguard, he merely postponed the "Rebellion"; he did not abandon it.

Whether the King reasoned and acted in this manner or not, the rebels ignored the request for deferment and took to arms. Sometime about the beginning of October, the King sent to Ireland with further instructions Lord Dillon of Costello, who had gone to court to present the grievances of the Anglo-Irish Catholics.<sup>1</sup> Dunlop believed that these were not conveyed until the rising had begun.<sup>2</sup> Others are of the opinion that they were intended specifically to incite the rebels to arms. The evidence is, as usual, confusing. O'Neill and More, it will be recalled, alleged that they were acting with the King's knowledge and sanction, in proof of which they now produced a commission under the

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1. E.H.R., II, p.529.

2. Ibid.



the Great Seal that empowered them to kill and slay all the Scots and English in Ireland who should resist them<sup>1</sup>. The general opinion dismisses this document as a bare-faced forgery. Though it would seem to have been madness on the King's part to originate such an authority, and though Antrim later deposed that O'Neill and More had failed to consult Ormond, the Pale Nobility or himself<sup>2</sup>, through whom the King was conducting the intrigue, and had acted independently, it was singularly unfortunate for the King that so many wrong-doers at different times during the last decade of his reign should have counterfeited commissions apparently bearing the stamp of his approval.

In this instance, whether he had personally instigated the rebellion or not, it still remained probable that he had intrigued with the Catholic leaders in Ireland to seize Dublin Castle and the Protestant strongholds and, to that extent, had encouraged the would-be rebels to consider that,

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1. Cf. this extract from the examination of four ships' masters taken at Plymouth: "... and that they said they had received a commission from his Majesty under the broad seale of England, to kill and slay all the English and Scots in the kingdom, that should resist them: and that when they have done there, they have the like commission for England." Collection of Pamphlets, B.M., E.118, p.3.; see also Gilbert, I, XVIII.

2. See above pp.9-10.

as against the Puritans and their violent anti-Catholic policy, he was on their side. Morally he stood convicted of collusion. And while in the matter of the controversial commission he was almost certainly innocent<sup>1</sup>, his name was indelibly associated with its virulent tone at home and in Ireland.<sup>2</sup> Thereafter his friends no less than his enemies were predisposed to deny him the benefit of the doubt.

Moreover, the whole question of his complicity in the events leading up to the Rebellion was to have a vital bearing on his future relations with the Irish Confederacy which was formally inaugurated in 1642. On the one hand,

1. This was Dunlop's conclusion after sifting all the available evidence; cf. also, Gilbert (Bellings), I, p.18: "This crime (of implicating the King) was so great an affliction to Sir Phelim O'Neale, who was the contriver of it, that he often during his imprisonment, and at his execution, acknowledged, and with much sorrow endeavoured to expiate the guilt of it." There is also preserved at Trinity College, Dublin, the copy of this statement made by Sir William Stewart: "On seizing Charlemont he (Sir Phelim O'Neale) found there a patent of Lord Caulfields, sealed with the great seal of Scotland. Sir Phelim cut the seal off the patent and attached it to a document which he had caused to be drawn up, and which perpetrated to be a commission from the King." T.C.D.F.3.10. Such a revelation is highly interesting in view of the controversy over the Earl of Glamorgan's patents which was to arise later.

2. Cf. Historical View, p.1038.

he had established the precedent of corresponding with the Irish Catholics, and, on the other, he had created the impression - or to be more just, perhaps, the impression had been created for him - that he was willing to stoop to intrigue and double-dealing in pursuit of his objectives. Consequently the Confederates were only too willing to enter into negotiations with him after the outbreak of the Civil War, but never ceased to question the sincerity of his intentions and never felt that they had sufficient surety for giving him the assistance he so desperately solicited. In their turn, the Royalist Protestants in Ireland were constantly alert to hamper his negotiations and prevent his coming to terms with the Catholics. As for the English Parliament it was given an unexpected instrument of propaganda which it never failed to turn to profit. Any tit-bit relating to the King's dealings with Ireland would be published so as to embellish the account of his wrongdoing presented to it at this time. And, ironically, its propaganda was to influence most of all the King's own close supporters who considered it calamitous for the Royal cause to become identified with the Irish Catholics, so outraged was feeling in England by the atrocities with which the rising was associated. As a result the King never dared to conduct his negotiations on a realistic basis. So it turned out that the plan to use Ireland to destroy the



rising power of Parliament helped to bring on the very Civil War which at all costs the King should have avoided as being militarily the weaker side, and ever afterwards hindered his efforts to obtain succour from the same source.

When the news of the ghastly events in Ireland began to trickle into England the King was about to return from Scotland to Whitehall. His feelings must have been mixed. . He had been relying on Ireland to support him in the event of an open conflict with Parliament. As it was, he had no choice but to express his sorrow for the victims and to pledge himself to co-operate with Parliament in punishing the bloodthirsty rebels. Still, it must instantly have occurred to him that he could turn the rebellion to his own advantage, for an army would have to be raised in England for the purpose of suppressing the rebellion, and an army was just what he needed for putting an end to the arrogant pretensions of Parliament. Pym was equally quick to spy danger and resolved that whatever happened the King should not be given control of arms and men. In fact, Charles was already harvesting the first bitter fruits of his equivocal dealings with the Irish, and, it might be added, of the Queen's intrigues with Catholics abroad and her involvement in the army plot, for Pym and his collaborators were able to insinuate concern not merely that the King might turn the army against Parliament after completing his mission to Ireland, but that he might ignore Ireland altogether



and take up arms against Parliament forthwith. Nor did Pym let slip the opportunity to weaken further the King's standing in the country by implicating him in the rebellion. In this regard his most ingenious stroke was to broadcast the suspicion attached to the King by having the Commons prepare a declaration exonerating him from the false charges of inciting the rebels alleged to be in circulation throughout England!<sup>1</sup>.

At the same time Pym and his friends, aided and abetted by Parsons and Borlase in Dublin, embarked on a policy which had the twofold objective of eradicating Catholicism from Ireland and making an accommodation between the King and the Rebels impossible. Since Ireland was the King's last hope of reviving his authority, Ireland must be placed irrevocably outside his grasp. This end could best be served by compelling the King to associate himself with a policy of brutal reprisals against the Rebels, while denying him control of the army and the government of Ireland. Thus it was determined to treat prisoners not as belligerents but as rebels, thereby excluding them from the customary rights of war. Again, on February 24th the King was reluctantly forced to assent to the Bill that came to be known as the Act of Adventurers. This Act - based on a suggestion from the Lords Justices - is of outstanding importance; it embittered and frightened

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1. R.I.A. Tracts, Box 10, Tract 13.

the moderate Irish perhaps more than any other single measure. Its object was to raise money for putting down the rebellion by promising land in Ireland to 'Adventurers' in exchange. This would entail depriving the Irish of some 10 million acres, and introducing a host of new tenants from England.<sup>1</sup> It also gave the supporters of the English Parliament a vested interest in annihilating the rebels and so turned them against any attempt to compromise. No wonder the Irish became so bitter. No wonder they were so reluctant in the years to come to trust to the King's promises alone with this act lying on the statute book.

The greatest success of the Lords Justices was to drive the Lords of the Pale to associate themselves with the revolt. Far from supporting the rebellion, many lords such as Gormanstown who were later to lead the Confederacy, first placed themselves and their property at the disposal of the government for the purpose of suppressing it. Clanrickard went to the length of saying that no gentleman of quality of English or Irish extraction, except perhaps Colonel Plunket and Roger More, was in any way connected with it.<sup>2</sup> It is certainly true that whereas the Pale nobility might have been willing to seize control of Ireland for the King they recoiled from participating.

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1. J. Rushworth, Historical Collections, 8 vols., London, 1721, III, p.556.

2. Clanrickard to the Earl of Bristol, Nov.14,1641, T.Carte, The Life of James Duke of Ormond, 6 vols., London, 1851, V, p.261.

in a rebellion against him, especially with the Old Irish for allies. Moreover, as has been pointed out, they were as yet content to work in harness with the Protestant members of the Irish Parliament in order to obtain increased independence for Ireland. But the very first act of the Lords Justices was to prorogue the sitting of Parliament fixed for November 11th until February 26th<sup>1</sup>. and to stand out against subsequent efforts to have the date of reassembly brought forward<sup>2</sup>. This appeared as a deliberate measure to prevent joint action by the Protestant and Catholic members of Parliament to suppress the revolt. When they begged for arms, practically none were given them on the plea that they might use them to side with their co-religionists<sup>3</sup>. More intimidating were the edicts against the rebels issued by the Council, for these promised punishment:

"for all Papists without distinction of any"<sup>4</sup>

1. Gilbert (Bellings), 1, p.20.

2. Ibid., pp.25-8. Eventually they were forced to agree to a sitting of two days which was quite inadequate.

3. Ibid., p.20; see also Gormanston to Clanrickard, Carte, V, p.286.

4. Cf. Bellings' comment :

"It cannot be imagined how much the nation was amazed at the expression ... meant to impute particular men's offences as a crime to religion, and ... to involve therein the natives and all the Catholics, either as assistants, abettors, or well wishers of that Rebellion." Gilbert, 1, pp18-19.

and spoke of:

"a most disloyal and detestable conspiracy intended by some evil affected Irish Papists." <sup>1</sup>

Several distinguished Anglo-Irish~~men~~ gentlemen were tortured on the rack and Sir Charles Coote, charged with the military suppression of the revolt, encouraged his troops to massacre Catholics without regard for guilt, age or sex. Thus when the Earl of Essex wrote to the Lords Justices advocating the banishment overseas of the Pale gentry,<sup>2</sup> they decided reluctantly that they had no choice but to join the Old Irish. Nevertheless, the fact that they were driven to take part in the rebellion<sup>3</sup> was fated to weaken its impetus and bring about its eventual collapse.

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1. Carte, I, p.236.

2. C.P.Meehan, The Confederation of Kilkenny, Dublin, 1862, p.7.

3. A Light to the Blind, pp.66-8, instances several of the methods used by the Lords Justices to fan the flames of insurrection. See also Carte, II, p.90~~8~~ (citing the Plunket-Dunne MS.):

"Before the Irish of the Pale fell from obedience to the government, Sir W.Parsons at a publick entertainment before many witnesses declared that within a twelvemonth no catholick should be seen in Ireland."



Although it was not until January, 1643, that the King first communicated with the Confederacy, his enforced association with Parliament's policy of extermination and mass expropriation came to an end with the beginning of the Civil War in August, 1642. Meanwhile, the year 1642 had witnessed the rapid development of ordered government at Kilkenny where the Confederates had established their headquarters.<sup>1</sup> The way was prepared by the clergy, who, observing the lack of organisation in the movement, arranged a meeting at Kells in Armagh to see what could be done to set matters right.<sup>2</sup> This was followed by a convention of lay and spiritual leaders. A General Assembly having legislative powers was created, while an executive of 24 members to be called the Supreme Council was entrusted with the direction of affairs. Here it is necessary to concentrate only on those developments which were to have a bearing upon the future negotiations with the King.

Of these the most remarkable was the extraordinary care taken by the Confederacy to affirm its loyalty to

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1. Another important development was the arrival in Ireland on 15th April of General Monroe and 2,500 Scottish troops.

2. Gilbert, I, p.86.

the King, alike in its official debates and pronouncements and in the place accorded him in its constitution. The burden of its repeated statements refuting the charge of being rebellious was that the Puritan officials in London and Dublin, having weakened the Royal prerogative, had begun to assail the religious privileges and legal rights of the Catholics in Ireland as the prelude to their total extinction, in spite of the King's disapproval and protests. So vindictive had this policy become that they had been driven to resist further assaults by force. But they had taken up arms reluctantly, and not against the King's own person but specifically to restore to the King the power of which Parliament was unlawfully depriving him.<sup>1</sup> In support of this theme it was even said that proclamations bearing the King's seal should not be recognized lest they be the mendacious work of the King's enemies.<sup>2</sup> And when the General Assembly first convened it declared its inability to designate itself a Parliament, because, to do so, would be to encroach upon the sole prerogative of the Crown to

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1. Cf. the address of the Confederate Peers, Nobility and Gentry of Galway, 29 Sept. 1641, Gilbert, I, pp.244-5.

2. *Acta Congregationis generalis cleri*, 10 - 13 May, 1642, *Commentarius Rinuccinianus*, O'Ferrall B., and O'Connell, D., ed. J. Kavanagh, 6.Vols., Dublin, 1949, I, pp.320-6; Gilbert, II, pp.32-43.

summon such a body.<sup>1</sup>

Such anxiety to legalise their position may be attributed partly to the desire of the nobility of the Pale to appease its hag-ridden conscience, but its main source was unquestionably political. The Confederates were in dread lest the King and Parliament should resolve their differences and launch the whole weight of England against Ireland. This was an eventuality to be avoided at whatever price. Consequently they sought to widen, or at least to maintain, the rift between the two contestants in England. And finally, when they were firmly established in Ireland, they aspired to join with the King in a combined operation against Parliament. In the meantime, it was imperative not to allow a situation to arise in which it would be impossible to effect a reconciliation with the King. The simplest way of doing this was to pretend that they had never ceased to be loyal subjects.

Yet, while the Confederacy was sedulously disclaiming any estrangement from the Crown, it was simultaneously sapping the very foundations of its authority. It gave itself the right to raise revenue, to coin money, to levy troops, to appoint judges, to make peace and declare war.

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1. Gilbert, II, p.131.

Abroad, it sent agents, with the status and powers of ambassadors, in quest of recognition, arms and money. It specified the conditions <sup>under</sup> ~~on~~ which it would be prepared to dissolve itself. All these measures were a practical recognition of the need for law and order inside the territory under its control, and for the efficient and resolute conduct of affairs. But no amount of apology for temporarily taking this or that action, could conceal the fact ~~that~~ the Confederacy was arrogating to itself sovereign powers, which even the Puritans in the English Parliament, the alleged subverters of the royal prerogative, had not presumed to claim. What, indeed, the Confederacy had created for itself was effective legislative, judicial and executive independence, except for the attribution to the King of the empty symbols of sovereignty.

The oath of association which every Catholic was required to swear to the Confederacy epitomised the contradiction between their claim to maintain the royal prerogative on the one hand and their manner of taking it away on the other. "By it the "Confederate Catholic" swore to bear true allegiance to the King and "to maintain to the utmost his prerogatives, the fundamental laws of Ireland, the free exercise of the Catholic religion, and the lives, liberties, and possessions of all fellow confederates." "The fundamental laws of Ireland" and "the lives, liberties and possessions of all fellow



confederates" are here made to appear to harmonise with the King's prerogatives when in fact they could not do so and the Confederates and the King knew that they could not do so. The oath ~~went~~ on to require that the Confederate ~~should~~ obey all orders made by the Supreme Council and only accept a peace ratified by the General Assembly. In practice this would mean also that he could only accept conditions that entailed a limitation of the King's sovereignty. With this oath as the point of departure it was perhaps no cause for surprise that discussions with the King never seemed to advance very far.

Discussions were to be further circumscribed by the territorial and ecclesiastical arrangements made by the General Assembly. All the lands which had belonged to the Protestant Church before 1641 were declared to be the rightful property of the Catholic Church in Ireland, and the Catholic Church was to enjoy all the privileges and immunities granted to it by Magna Carta. This settlement would confront the King with two difficulties. With regard to the allocation of land he would have to ponder on the angry feelings of the Protestants in Ireland who could not be expected to take kindly to the permanent loss of their property. And in the matter of the status of the Church he would have to be willing to restore to Rome the power which Henry VIII had wrested from it. It was unlikely that he would give way on these two points

unless driven by desperation.

All in all the conclusion is inescapable that developments during the first nine months or so of the Confederacy's life scarcely augured well for fruitful negotiations with the King. Nevertheless, both parties were soon to display ardent interest in opening negotiations, and negotiations once begun were to end only with the King's death. Seldom can so much concern for a reconciliation between two parties have been combined with so adamant a refusal to agree to compromise.

## Chapter II

### The Background to the Negotiations.

The negotiations between Charles I and the Confederacy cannot be followed intelligently without some preliminary knowledge of the difficulties under which both sides laboured and of the machinery ~~they~~ employed. In this chapter it is intended to examine these difficulties and to describe this machinery.

Of the many problems standing in the way of a mutually satisfactory agreement, three were especially serious. First, the demands of the Confederates were excessive from the King's point of view. Secondly, Royalist Protestants felt as bitter against the Irish Catholics as did any Puritans. And, thirdly, the Confederates were not united.

The King's attitude to the Confederacy's aims was fundamental. Could he ever bring himself to make the minimum concessions they were bound to demand? If he were to be honest, it seemed very unlikely. On the one hand, the security of religion the Confederates required would entail weakening the established church; on the other hand, the legislation which would have to be introduced in order to guarantee them increased economic and political freedom must lead to a diminution of his sovereignty. In other words, he would be in the position of having to yield to the Irish Catholics what he refused



to yield to the opposition in England and Scotland. The only way round this apparently insuperable difficulty was to make promises to the Confederates which he did not intend to keep. With his conviction that whatever he did was right, Charles was capable of doing this without a qualm of conscience. Even so, it would not be easy to deceive the Confederates, for they would expect convincing proof of his sincerity; promises alone would scarcely suffice.

Given that Charles in desperation decided to give the Confederates what they asked, he had still to reckon with the outraged feelings of his Protestant supporters against the Irish Catholics. The risk was great that they would choose to withdraw their allegiance rather than accept virtually complete toleration for the very people whose recent atrocities he himself had condemned. Significantly, even his own advisers, though they realised that he must somehow obtain foreign aid in order to have any hope of winning the war, were reluctant to recommend a treaty with the Irish, in case their reputations suffered for it.<sup>1</sup>

The Irish Protestants were particularly uncompromising.

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1. This became abundantly clear at the time of the Oxford Conference, April-May, 1644, see below pp. 177-8.



In the view of all but a very few,<sup>1</sup> no concessions whatsoever should be made to the rebels. This was obviously an absurd attitude but nothing could make them change it. It was not simply that they were genuinely incensed by the savagery that had accompanied the rising but that they could not countenance anything like equality for the Irish Catholics. In the past, the attraction of Ireland had been precisely that Catholics were treated as second-class citizens and they wanted this state of affairs to continue. In addition, many of them were justifiably aggrieved because the Confederates had seized their property and they were afraid that it would not be restored.

To make the situation still more serious for the King, a number of supposedly loyal Irish Protestants were secretly Puritan sympathisers, partly for doctrinal reasons and partly because they approved of Parliament's brutal Irish

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1. The received view that all the Irish Protestants were hostile to the Irish Catholics may be wrong. One Protestant was to declare in 1644:

"No man looks upon this Rebellion with more horror than I do, few men have felt sadder effects of it, either in the exercise of the sword or fire my Houses burned and my two Sonnes killed in cold blood: yet I doe believe very many honest men have been cozened into this action, by the power and perswasion of their Leaders, or frightened into it by the ill managery of affaires here ... believe it, unpardonable faults will be found in those who have cryed out most upon this Rebellion." R.I.A. Tracts, Box 29, Tract 14, V. 34.

policy.<sup>1</sup> The influence of this group, which tried constantly to control official policy in Dublin,<sup>2</sup> was particularly strong up to the time of the Cessation in September, 1643.

Charles had no illusions about the depths of anti-Catholic feeling among his supporters. From the outset, he realised that a public settlement with the Confederacy could only be achieved in spite of a majority of Irish Protestants, perhaps even at the risk of their desertion to the Parliamentary camp. This knowledge may have convinced him that the only possible way to treat was in secret.

The third major problem affecting the relations between Charles and the Confederacy was the absence of solidarity among the Confederates themselves. In the past, the differences between the Native Irish and the New Irish

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1. A delegation representing this group which attended the Oxford Conference in 1644 had only one object - to make sure the King did not come to terms with the Confederates. See below p. 167 ff.
2. Dublin was crowded with refugees who had been driven off their lands. Their presence was a constant source of embarrassment to the negotiators with the Confederacy.

may have been exaggerated by historians<sup>1</sup> - indeed, the entire interpretation of Confederate history as a struggle for power between two races needs to be revised - but that there was a division of interest between two sections of opinion which steadily widened there can be no doubt.<sup>2</sup> It is important, however, to emphasise that violent conflict was avoided until the final debates over the acceptance of the Ormond Peace. Up to that point, the leadership of the New Irish was accepted, however reluctantly, by the rest of the country.<sup>2</sup>

The differences between the two sections were more than political. They were also economic, social and, above all, religious. It is important to be clear from the beginning what each section stood for.

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1. In criticising the Papal Nuncio for conceiving the two parties in terms of black and white, a contemporary writer suggested that some of the Old Irish were aligned with the Ormondists while some of the New Irish desired better terms for their religion than the Ormondists were prepared to fight for. In any case, neither the Old Irish nor the Clergy sought complete separation from England; they simply wanted honourable terms. He also questioned Rinuccini's wholesale consignment of the regulars to the Ormondist camp. Com.Rin., II, pp. 180-1. After a close inquiry into the background of the personnel at Kilkenny Fr. Donal F. Cregan concluded that the difference between the Ormondists and the rest was geographical rather than social or historical (The Confederation of Kilkenny: its organisation, personnel and history - unpublished thesis in the office of the National University of Ireland)
  2. At the risk of over-simplification it could be argued that it was the Papal Nuncio, Rinuccini, who arrived in Ireland in October, 1646, who brought the conflict to a head. See below p. 406 ff.



The Old or Native Irish, especially those affected by the plantations in Ulster, and the rank and file of the Clergy, who sprang generally from the same population, were as much opposed to compromise as the Irish Protestants, although they at least based their stand on an intelligent appreciation of their immediate prospects. At first, they did not command the unqualified support of the bishops, at least half of whom by birth and inclination tended to identify themselves with the gentry of the Pale.<sup>1</sup> When, however, the Pope so far committed himself as to send an agent to Kilkenny, and when it also became apparent that most gentlemen of the Pale were primarily concerned to safeguard their own interests rather than to enhance the Church's authority, nearly all the bishops joined their side. Habit proved too strong for the regulars, however, most of whom continued to associate with the great houses as they had done since their monasteries and abbeys had been closed.<sup>2</sup>

The towns welcomed the restoration of the autonomy they had enjoyed before 1603, and either sided with the

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1. According to Rinuccini the bishops disliked having to pay for the war and were reluctant to revert to the use of their full regalia which complete freedom of religion would entail, also because of the expense. Com.Rin., II, p.17. He may have been unfair in attributing such self-interest to them; after all, they had set aside two-thirds of their revenues for the war.
  2. The Franciscan MSS., preserved at the Franciscan House of Studies, Kilkenny, near Dublin, contain many references to the disputes between the regular and secular clergy.



Old Irish from the outset or later came to do so. Certainly, when the decisive split occurred in 1646 they stood solidly behind the Papal Nuncio.<sup>1</sup>

This group of interests must have numbered at least 80% of the total population. Nevertheless, they were not very powerful until 1646, when they emerged as a clearly-defined party under the name of the "Nuncioists" or the "Nuncio's" party, a description which was more accurate than either "Old" or "Native" Irish. In general, this group ~~were~~ very uneasy about dealing with Charles at all, because of his well-known inconstancy. They felt that, even if he sincerely wished to grant their requests, the hostility of the Protestants would prevent him from fulfilling any contract when it came to the point. In this sense, victory for the Royalists would be only one degree preferable to victory for Parliament. Unlike the papal ambassadors,<sup>2</sup> they shrank from pursuing this line of thought to its logical conclusion - that they should seize absolute power in Ireland while they had the opportunity and arm themselves to the teeth so that, no matter who emerged victorious

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1. See below pp. 57-9.

2. Scarampi, arrived in Ireland in 1643, and Rinuccini.

in England, they would be able to defend their country. Nevertheless, in practice, they were so strongly opposed to the sort of propositions that the King could be reasonably expected to consider, that they might as well have done so.

The New Irish, or Anglo-Irish, as they are sometimes described, existed as a close-knit pressure group almost from the beginning, a fact which partly accounts for their political supremacy during the first four years. They, too, were to be given a more accurate label in 1646, that of 'Ormondists' or the 'Ormond Party'. At first, they demanded of the King the restoration of the Clergy's property and jurisdiction and of the political independence their ancestors had enjoyed before the accession of Henry VIII. But, as the King's position in England deteriorated, so they steadily reduced their terms until, eventually, they would have settled for the privilege of private worship and security of tenure and a promise that the Church would be taken care of when his authority had been fully restored.

Their reluctance not to press the King for terms he dare not offer openly, because of the opposition of his followers, was not inspired by quixotism. Though English government policy during the previous sixty years had aroused in them fears for religion as deep as in the Old Irish, they had also had less worthy cause for disquiet.

Above all, they had resented the way in which upstarts from England were enabled to make fortunes at the expense of their own formerly privileged economic status.<sup>1</sup> They wished to undo the effects of this policy. This entailed helping the King to defeat the English Parliament without, as a corollary, having to share power with the rest of the Irish, including the Clergy, for whom, generally, they had nothing but contempt.<sup>2</sup>

Even if they had not been concerned to regain exclusive privileges for themselves, they would still have required to keep the majority of Irishmen depressed and to prevent the Church from becoming too powerful, in order to safeguard their property. A great number of them, including such prominent figures as Bellings,

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1. Cf. a typical comment: "The Earl of Corke reputed worth 20,000£ a year in 1641; tho' not worth 100£ when he went to Ireland". 'Plunket-Dunne MS.', Carte's Abstract, p.675.

2. The social factor played a large part in shaping their attitude. Consider this nasty comment:  
 "These clergy were poor creatures, few of extraction of Gent., and coming to the possession of wealth ... forgot their former condition of nullity. They presently took upon themselves to be councillors in state affairs, none more saucily impudent and abusive than those upstarts ..." *ibid.*, pp.777-8.



Fennell, Bagnall and the Earl of Castlehaven<sup>1</sup>, had come by church lands within the past sixty years and were afraid of having to surrender them.<sup>2</sup> Over all hung the threat that the native Irish would overwhelm them by sheer weight of numbers, destroy them as a social caste, and deprive them of all their lands, which some people still claimed had been wrongfully annexed as far back as the thirteenth century.

When the width of the gap between the two parties at Kilkenny is revealed, it is remarkable that they managed to preserve an appearance of unity for so long. Not that even the appearance lasted beyond the first lull in the fighting in so far as relations with the men of Ulster were concerned. Rory O'More, the brain behind the revolt, was not given office and disappeared from the political scene. And, from the moment of his return to Ireland,

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1. Castlehaven is a good example of the men in this position. As late as 1606 his grandfather had been granted the former monastery of Connell, co. Kildare, the former monastery of St. Erinus, alias Rosglas, co. Kildare, the preceptory of Clonmel, co. Tipperary, the former Carmelite monastery of Leighlinbridge, co. Carlow, the former priory of Rosecarbery, co. Cork, etc. Memoirs, xii-xiii.
2. This fear may well explain their increased anxiety to reach agreement after the appointment of a Papal Nuncio had been announced. Rinuccini himself stated that they had spread the report that he had come to restore Ireland to the Holy See; The Embassy in Ireland of Monsignor G.B. Rinuccini, trans. from the Italian by A. Hutton, Dublin, 1875-p.134. It did not occur to him that they may have genuinely believed this to be the object of his mission.



Owen Roe O'Neill, the one general with the qualities of leadership and the skill which might have made the Confederates militarily the masters of the country, was cold-shouldered by the New Irish.

Thus, hampered by the necessity of appearing to consult the shortsighted opinions of his own supporters, the King had to negotiate with a body which was seriously split. Moreover, correspondence had to be channelled, officially at least, through the Privy Council in Dublin, through the hands, that is, of Irish Protestants who were among the most obdurate opponents of compromise.<sup>1</sup> The prospect would have been hopeless if he had not been able to entrust the actual conduct of negotiations to the Marquis of Ormond who at least saw the necessity of coming to some sort of agreement. From first to last, Ormond was the key figure in the official relations between Charles and the Confederacy. It is essential, therefore, to know what kind of man he was.

According to one point of view, expressed by Professor T. Coonan in a recently-published work,<sup>2</sup> he was a second-rate

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1. This was especially true during the early stages of the negotiations. Cf. Charles to Ormond, Feb. 8, 1643: "I finde ... that the justices intends to desyre of mee some stop of <sup>the</sup> execution of that commission (a truce with the Confederacy); and I know that I need not bid you <sup>him</sup> the concurrence of my protestant subjects in that desyre." Carte, V, p.4.

2. The Irish Catholic Confederacy and the Puritan Revolution, Dublin, 1954.

statesman, conceited, lacking in originality, and a petty conspirator. He deliberately ignored or destroyed the King's commands whenever he disagreed with them; he never had any intention of yielding to Confederate wishes and indeed schemed persistently to bring about the disintegration of the Confederate government.<sup>1</sup> Professor Coonan draws the material for his sketch of Ormond almost entirely from Old Irish apologists. Naturally, they could scarcely be expected to see eye to eye with Ormond's policy. It is, however, one thing for partisans to condemn him and all his works because he was neither a Catholic nor a Confederate sympathiser, and another for a modern historian

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1. Ibid., pp. 54-6.

to accept their word that he was both dishonest and self-seeking.<sup>1</sup>

Unfavourable estimates of Ormond conflict with the consensus of contemporary opinion, with the portrait of a superb nobleman painted in the eighteenth century by Carte, his biographer and panegyrist, with the frequently-expressed opinion of Nicholas, and above all the high regard of Clarendon. The bulk of his contemporaries may have exaggerated his qualities, but it is hardly likely that they were all wrong. Fortunately, it is not necessary to depict Ormond either as a knave or as

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1. The source of most of the adverse comments on Ormond's character and ability usually turns out to be either the author of the Aphorismical Discovery or the Papal Nuncio, Rinuccini. Neither could be described as impartial. Nor could Bishop French, who attacked Ormond's record in a post-Restoration pamphlet with the unconsciously self-revealing title of The Unkind Deserter (op.cit.). The bitterness of Bishop French was largely due to his sense of having been betrayed by Ormond, for he, like many others, had considered him in the last analysis a fellow-Irishman and had been cruelly disillusioned when after many years he discovered otherwise. He had, however, deceived himself; Ormond had frequently made his position perfectly clear.

The sort of misjudgement likely to result from blaming Ormond for not being what he did not claim to be was well illustrated by the author of the Aphorismical Discovery. In one passage, pp.21-2, he described Ormond as stealing away to Dublin when the rising began - incidentally like a coward leaving his wife and children behind at Kilkenny - even though he had frequently informed the rebels he would throw in his lot with them. Nowhere is there any evidence to corroborate this statement, unless, that is, the author was referring to the earlier plan to seize Dublin Castle which was a very different story. As for his going to Dublin, it only appears in a bad light if his main attachment were reckoned to be to the Irish and to the Catholic Church.



a nonpareil to account for his beliefs and the policy which he pursued. Three factors influenced him throughout his dealings with the Confederacy: his sincere attachment to Protestantism; his English Outlook; and his desire to protect his property.

Orphaned when young, Ormond had been brought up as a strict Protestant under the personal guidance of Archbishop Abbott. A convinced Protestant he always remained. According to Rinuccini there were two doctrines of the Catholic Church to which he found it impossible to subscribe, namely, the presence of Christ in the Eucharist and the authority of the Pope.<sup>1</sup> For his own part, Ormond reminded George Digby in 1647, when his own and the King's position could scarcely have been more desperate, that there were certain concessions to Catholicism which he could never support:

"yet I hould it not amis to remember you, that it is in what concerne any concessions that may seeme to perpetuate to the Roman catholiques either Churches or church-livings, or that may essentially take from ours, or give to their cleargy ec~~e~~lesiasticall jurisdiction."<sup>2</sup>

Even without referring to specific statements of this kind, it is possible to detect a note of almost Puritan antipathy in all his comments on the Roman Church and its clergy.

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1. Embassy, p.136.

2. Carte, VI, p.485.



A second and equally important effect of Ormond's early upbringing was his conviction that what was good for England must be good for Ireland. This was in turn coloured by that condescension which the English aristocracy showed in treating with a subject nation. Certainly his English outlook prevented him from identifying himself with the emotional attitudes and aspirations of the Irish, and from conceding that they had any prima facie grounds for desiring independence. Thus, the apparent Confederate threat in 1646 to sever connexions with England was so hateful to him that when confronted with a choice between surrendering Dublin either to the English Parliament, or to the Confederacy, he chose to surrender to Parliament. It is also significant that he gave more credence to the frequently-circulated rumours that Ireland was to be offered to the Pope or Spain than their provenance warranted.<sup>1</sup>

The third main factor influencing Ormond was his anxiety to preserve his Irish estates. While in this respect he displayed some of the self-seeking<sup>2</sup> with which

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1. Cf. "That which ... made a deep impression on the Marquis was the knowledge, that there had been, from the beginning of those treaties, a design in the principal contrivers of them entirely to alienate the Kingdom of Ireland from the Crown of England; ... and to put themselves into the protection of some foreign prince, if they could find it impossible to erect some of the old families."  
Clarendon, Historical View, p.1068.

2. In reading the correspondence between Ormond and his agent, Edward Comerford, the impression is formed that he was too much concerned with his revenues, his fine wines and his cloths, in view of the wretched condition of the Dublin population; Ormonde MSS., National Library of Ireland.

his critics charged him, paradoxically he was tied by it to the King's Irish policy, the very policy which they accused him of deliberately wrecking. In a private letter which he wrote to his financial agent, Edward Comerford, on April 6th, 1644, there occurred this remarkable passage:

"...I had rather sufer temporary losse than want such suplys as may inable mee to proceede in the Kings businesse, upon the good successe whereof depends (now more aparantly than ever) my life fortune and the subsistence of my house, the pretended Par<sup>mt</sup>. at London haveing impeached mee of high treason concludeing (& as they alreadge adviseing) the cessation here... this way of impeachment I have not heard they have proceeded in against any but the Queene & mee, w<sup>ch</sup> shows their intention to my destruction & therefore engages mee to put all my strength to advaunce his Maj<sup>ties</sup> service (wherein consists my owne & this Kingdomes preservation if the great councill would soe beleieve it) & that if otherwise it may not be at my owne charge."1

Thus, if it was plain to his critics, it was also plain to Ormond, that for his own sake if for no other reason, he must try to reach a settlement in Ireland on the King's behalf.

In retrospect, it is, even so, possible to see that Ormond's convictions were always likely to stand in the way of a compromise between the King and the Confederacy, that his reluctance to make concessions to the Catholic Church would outweigh his sincere desire to help the King, but this was not obvious at the time to the King or to the

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1. Ibid., Mar.25 - Aug.1, 1644, pp.14-7.

Confederate leaders. On the contrary, Ormond seemed uniquely fitted to be the King's representative. His own brothers and sisters were Catholics, he belonged to the Anglo-Irish nobility; he had a splendid physical appearance and great charm of manner<sup>1</sup>; he was conscientious, apparently straightforward, and universally respected even by the Parliamentarians and the Scots. He was on good terms both with the King's ministers and with the leading Confederates, which could be said of no-one else except perhaps the Earl of Clanrickard - indeed, his relations with several of the Confederates remained so intimate as to arouse suspicion.<sup>2</sup> On more than one occasion, Dr. Fennell<sup>3</sup> seems to have arranged mortgages on his behalf, while his own agent, Comerford, who continued to act for him, was

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1. Even Rinuccini admitted that his manner was charming and courteous; Embassy, p.135.
2. To some extent the closeness of these relations was inevitable. Dr. Fennell had been his personal physician, Patrick Darcy, his legal adviser; Viscount Mountgarret was his great uncle, the Earl of Muskerry, his brother-in-law. Moreover, the Butler estates were scattered around Kilkenny and for most of the time he was allowed to go on drawing rents from them (certainly after the first Cessation) through the good offices of his old friends.
3. Fennell was given a particularly sly and sycophantic character by the Old Irish. On one occasion he was supposed to have sent a report of proceedings at Kilkenny in cypher to Ormond; AphorDisc., p.40



also acting for a long period as financial agent for the Confederates.<sup>1</sup> Finally, Ormond himself recognised that he alone could preserve the Royalist position.

On the surface, Ormond brought to his task yet another quality, a remarkable imperturbability. In fact, this imperturbability concealed some major flaws: he lacked deep feelings and inspiration. Moreover, for all his poise and flair for leadership, he was incapable of shaping policy. Certainly his approach to the negotiations could only be described as negative. When the King commanded him to continue negotiations in 1644 after the Oxford Conference had ended inconclusively, he accepted the duty without enthusiasm. What was the hope, he asked Digby, that he could succeed in Ireland, where feelings were so inflamed, when the King had failed in the more favourable climate of England?<sup>2</sup> Even so, when all the various facets of Ormond's character are considered, there seems little foundation for the view of his detractors that he not only pursued the negotiations in a dilatory fashion but stealthily contrived to wreck them. Whatever his faults, he was a man of principle.

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1. Ormonde MSS., N.L.I. Much of this correspondence consists of letters between Ormond and Comerford.

2. Carte, VI, pp. 154-5.



Besides Ormond, another person played a prominent part in the relations with the Confederacy. This was Ulick Bourk, Earl of Clanric<sup>k</sup>ard, a Catholic and a Royalist, with extensive estates both in England and Ireland, and half-brother to the Parliamentary general, the Earl of Essex. These associations fitted him admirably for the part of intermediary between Dublin and Kilkenny which he conceived it his duty to play. Thus, he rejected numerous overtures from the Confederates inviting him to take the oath of association.<sup>1</sup> At the same time, while sedulously placing himself under the orders of the government in Dublin, he somehow managed to convey the impression that he occupied an independent position. The measure of his skill at remaining uncommitted was revealed in 1646 when it was hoped to make him commander-in-chief of the Confederate armies.

Clanric<sup>k</sup>ard desired that the Confederates should renew their allegiance to the King, but he saw, as Ormond did not, that their demands for religion were legitimate. He kept up a voluminous correspondence with his many

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1. At the outset his defence of the Royalist interest in Connaught brought him into verbal conflict with the Confederacy, but once a truce had been arranged the sincerity of his convictions was recognised and he was accepted as a genuine mediator.

friends in both camps and so was uncommonly well-informed, using his knowledge to impress his opinions on both sides. Ormond regarded him as indispensable, invited him to attend all negotiations, and when in difficulties, requested his assistance and advice. There is no doubt that the existence of a go-between of this calibre, supported by others of less note, helped to keep the royal cause alive in Ireland and the channels open between Dublin and Kilkenny.

Apart from the divided Confederates, the Royalists, and the few men with a foot in both camps, there were two other parties in Ireland to make the situation more complicated: Parliamentary sympathisers, who were greatly strengthened in 1644 when Inchiquin deserted the King and took most of Munster with him, and the Scots in the North under General Monroe. After the Confederacy and the Royalists had arranged a truce, in September, 1643, fighting still went on between the Confederacy on one side and the Scots and the Parliamentary enclaves scattered throughout the country on the other. The map was never neatly divided into three parts, Confederate, Protestant and Royalist. Besides more or less broad fronts against the Scots and the Royalists inside the Pale, the Confederacy had to contend with a number of Royalist as well as Parliamentary pockets, not to mention the independent commands of such grandees as Clanrickard and the Earl of Thomond. It was therefore

essential that the Confederates should come to terms with the Royalists, so that their military strength could be concentrated against the Scots and the Parliamentarians.

Moreover, although the Scots and the Parliamentarians were rarely mentioned in the passages between Ormond and the Confederates, their activities tended to regulate the pace of the proceedings. For example, if the Scots threatened to move south, the Confederates conducted their negotiations with a heightened sense of urgency.<sup>1</sup> It is particularly important to notice that when Rinuccini led the opposition at Kilkenny to take up what seemed to Ormond an extreme position, the Parliamentarians became the key factor in the negotiations. For Ormond used the threat of surrendering to them as a means of bringing the Confederates to heel. It then became a question of whether or not Rinuccini would call his bluff.

And yet it would be misleading to imply that a sense of urgency generally informed the negotiations. Often they seemed to be at a standstill. Progress of a sort was being made all the time, even so. As each session ended, it would be assumed that certain points previously disputed had now been settled once for all.

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1. See below pp. 235-6

The King in particular steadily made concessions as his strength grew weaker, as will be seen. But two factors made for slowness apart from the fundamental incompatibility between the two sides, namely, faulty communications, especially between the King and Dublin Castle, and the inefficient policy-making machinery in use at Oxford and Kilkenny.

Communications in Ireland were better than in England. Messages between Dublin and Kilkenny usually took less than three days and occasionally less than one day<sup>1</sup>. Delay was not unusual, however, when, for instance, Ormond was out campaigning or members of the Supreme Council were dispersed far and wide on private or public business. But between Oxford and Dublin there were frequent delays and, all too often, letters miscarried. Maybe fewer messages went astray then Court officials sought to claim - it was a convenient excuse for having failed to reply promptly to letters received, or to send copies of documents that had been requested; George Digby, in particular, probably found this pretext useful. Nevertheless, for proof of the hazards of the route to Ireland both on land and by sea one has only to look at the weight of captured documents

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1. This fact is easily confirmed by examining the dates of receipt on the letters from Kilkenny sent to Ormond.



published by Parliament. Furthermore, messengers<sup>1</sup> from Ireland had to assume that the King was at Oxford, unless they obtained reliable information to the contrary. Very often this meant that they reported at Oxford only to find that he was elsewhere. All the time, too, of course, territory was changing hands, ports were being lost, and naval activity in the Irish Sea was increasing. The messenger bound for Ireland had a particularly dangerous job. Having evaded Parliamentary patrols on land, he had to choose a port in Royalist hands, hope to find a ship, and slip through the cordon of Parliamentary vessels which hovered near the Irish coast and, from time to time, blockaded Dublin Harbour.<sup>2</sup> It was no wonder that on one occasion Ormond did not receive instructions in reply to a request made in November until the following March.<sup>3</sup>

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1. There was trouble even over the choice of messengers. See below pp. 135-6.

2. To slip out of Dublin Harbour it might be necessary to get the captain of a Parliament ship drunk! Cf. Ormond to Digby, Nov. 7, 1644, Carte, VI, p. 214.

3. On November 4th, 1644, Sir James Ware and two others left Dublin for England to obtain instructions from the King. They were captured at sea and, as a consequence, Ormond did not hear from the King until March 6th. See below pp. 264-5.

In an attempt to overcome the problem of communications, the King finally empowered Ormond to use his own discretion,<sup>1</sup> but this concession proved almost worthless. Ormond was not only temperamentally incapable of showing much initiative, he also recognised, as indeed had the far more enterprising Strafford, that the powers of any subordinate under an absolute monarch, however irresolute, were strictly limited.<sup>2</sup> Furthermore, no matter how loyal, Ormond could scarcely be expected to forget what had happened to Strafford.

After all, the fact was that on the Royalist side, policy could only be formally initiated by the King, however susceptible he was to suggestion. This meant that his directives frequently travelled in the wake of events, particularly when they concerned Ireland.

In any case, the King's Irish policy was ill-judged and ill-managed. For this there were several reasons: a fundamental disregard for the importance of Ireland as

1. See below pp. 242-3.

2. Cf. "And if his majestie will have mee to shape my course soe heere, as may be most for his advantage in England, or least hurtfull to him; it is of necessity that I receive cleere instruction, else it is ods but that, thorough my ignorance, or by a suddaine change, which may be more probably foreseene there then heere, I shall unwillingly fall into some pernicious error." Ormond to Digby, Oct. 19, 1644, Carte, VI, pp. 208-10. It is noteworthy that the basic reason given for disowning the Earl of Glamorgan in 1646 was that the powers he claimed were too wide to be credible; see below p. 431.

such; the absence of accurate information on which to base plans; the manoeuvring for power and privilege at Court. Overshadowing all, was the King's own inconsistency and lack of drive.

Over the centuries, the outstanding characteristic of Anglo-Irish relations was the essential indifference of the English government; so long as Ireland was not actively troublesome, she could be ignored. When the Irish became restive, as they did from time to time, the main concern was to put an end to the nuisance as quickly as possible without thought of trying to work out a permanent solution. This was undoubtedly the attitude in the middle of the seventeenth century. It was not confined, incidentally, to England alone. France, Spain, and, indeed the Pope himself, subordinated Irish interests to their preoccupation with England.

Charles I himself never really cared about Ireland for its own sake and never really appreciated its problems. His overriding aim being to extricate himself from his war with Parliament with as little power lost and as much face saved as possible, Ireland was no more than a pawn in the game. Thus, he picked up the thread of Irish negotiations whenever he was particularly desperate for reinforcements, issued ad hoc instructions to Ormond, and hoped for the best. The curious thing is that he obviously saw clearly from time to time that Irish resources might save him and



yet was unable to concentrate his efforts upon obtaining them.

The Royalist intelligence service was very defective. Consequently, Court officials were never able to understand what was going on in Ireland. This was bad enough but they made matters worse by giving rein to an incurable optimism. Thus, while overestimating Ormond's powers of persuasion they underestimated the bitterness of the Irish Protestants and, without good reason, constantly assumed that peace was about to be made or had already been made, that troops were already at sea.<sup>1</sup> How could the King's Council possibly formulate practical policies when they were ignorant of essential facts?

The struggle for place and power at Court also adversely affected the King's Irish policy. The letters of Ormond's correspondents<sup>2</sup> were crammed with details of the latest intrigue and of the newest arrival at Court who was seeking this or that favour in Ireland. All this need not have had serious consequences, if the King had ignored the intrigues and rebuffed the petitioners. But this he could not or would not do. As already

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1. See below p. **296** for a striking example of this.

2. Particularly Arthur Trevor, Sir George Radcliff and the Archbishop of York.



pointed out, if someone should present a private scheme for extracting aid from Ireland, he would usually agree that it should be tried out without apparently noticing that so many such optimists were at work that there was bound to be duplication of effort, if not sabotage of one another's efforts. As a result, Ormond frequently found his policies being obstructed - even nullified - and his position undermined by the activities of others who had extracted promises or commissions from the King.<sup>1</sup>

It is difficult to define the particular views on Irish policy of the privy councillors. A few at least were definitely hostile to the Confederacy, notably Hyde and ~~Cottington~~ <sup>Colepepper</sup>. What is quite certain is that all the councillors, with the possible exception of Digby, hesitated to endorse any major concessions to the Confederates for the very good reason that they did not wish to see their endorsement placed indelibly on record.<sup>2</sup>

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1. See below Chapter VI , pp. 133-4. Even more vexatious from Ormond's point of view was the interference, as it appeared to him, of Henrietta Maria from Paris. See below p. 610.

2. See below pp. 177-8.

On the Confederate side, the formulation of policy was also cumbrous. Ultimate sovereignty resided in the General Assembly which consisted of elected representatives<sup>1</sup> and which, when in session, functioned as the executive as well as the legislature.<sup>2</sup> But even though appointed by the General Assembly, it was the Supreme Council which tended to be the effective authority. The Council normally had twenty-four members elected on the basis of six for each Province.<sup>3</sup> Any 12 councillors were to be always resident at Kilkenny or in a body at some other place if they should find it convenient. A quorum was to be nine and a minimum of seven votes was required to legalise any resolution. The President was to be nominated by the Assembly and was to be one of the twelve residents. In the event of his death or incapacity the other residents were to elect his successor.

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1. About 300 altogether. The peers (27 Anglo-Irish, 7 Old Irish and the Earl of Castlehaven) and commoners sat together after the first Assembly.

2. There were nine General Assemblies, the dates of which have been worked out by Fr. D.F. Cregan, op.cit., as follows:-

- i. October 24 - November 21, 1642.
- ii. May 20 - June 18-9, 1643.
- iii. November 7 (approx.) - December 1, 1643.
- iv. July 20 - August 31, 1644.
- v. May 15 - adjourned July 5 - re-assembled August 27 - dissolved after August 31, 1645.
- vi. February 7 (approx.) - March 4, 1646.
- vii. January 10 - April 3 or 4, 1647.
- viii. November 12 - December 24, 1647.
- ix. September 4 - January 17, 1648-49.

3. Castlehaven claimed that he was made an additional member, Memoirs, p.33.

Though not granted plenary powers the Supreme Council exercised virtually absolute authority during the long recesses between one Assembly and the next. Moreover, according to Rinuccini, the Papal Nuncio, the Council was early given sole power to conduct peace negotiations.<sup>1</sup> Even without the superior knowledge and political experience ~~its members~~ gained from continuity, it would have been powerful <sup>in any case</sup> because of the high quality of its members. Only the coming of the Papal Nuncio in 1646 changed the situation, for he tried with some success to stimulate a majority in the Assembly to use its latent powers to weaken the Council.

However, issues connected with peace and war were always dealt with by the Assembly in the first instance. So much so, that most Assemblies were apparently summoned for the express purpose of debating whether to start negotiations or to resume negotiations already begun.<sup>2</sup> The Assembly also claimed the power to appoint the commissioners who were to conduct negotiations, as well

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1. Embassy, p.128.

2. In spite of this, each Assembly seems to have determined on the opening date of the next one at the end of its final session. But the agreed opening dates were rarely observed and they seem to have been chosen in any case in the light of the estimated duration of the next phase of negotiations.



as a sub-committee, known as the Committee of Instructions,<sup>1</sup> whose function seems to have been to give the commissioners their original orders and to act as a kind of reserve court to which the commissioners could refer back in case of doubt. Even so, it must be emphasised that although it was the Assembly which resolved to set negotiations in motion, it could only give the broadest indication of the lines they were to follow. Moreover, while on one occasion at least the commissioners were empowered to make peace under a specific restriction,<sup>2</sup> in general they were given plenary powers. Thus, like the Supreme Council, the commissioners came to have virtually independent authority.

The Clergy were represented both in the General Assembly and the Supreme Council. In the first Council, for instance, there were two archbishops and three bishops.<sup>3</sup> But they also exercised influence through the ecclesiastical congregations which came to meet regularly at the same time as the Assembly. Presumably this practice was at first adopted for sound administrative reasons. Many members of the General Assembly, elected in the ordinary

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1. "They (the General Assembly) appointed others for preparing instructions for those that were to treat, whom they named commissioners of instruction." Bp. French, op.cit., p.42.

2. See below p.237.

3. There were thirty dioceses all told, reflecting a fairly even balance between Old and New Irish.



way, were also members of Congregation and they were thereby saved one journey. It was also obviously very convenient that the Assembly should be able quickly to ascertain clerical opinion in matters pertaining to the Church. From the coming of the Papal Nuncio, however, Congregation became a powerful pressure group, its influence reaching a climax in the weeks and months following the publication of the first Ormond Peace on July 31st, 1646.

It must be emphasised that until 1646 the leading members of all three bodies, except Congregation, were one and the same and that almost all reflected the views of the New Irish. The situation lent itself to this narrow concentration of power, for only a few men had the wit and the necessary political experience to control the government. It is no wonder that former members of the Irish House of Commons and men educated at the Inns of Court preponderated. During Rinuccini's short-lived sway there was still oligarchal rule; only the political standpoint had altered.

The identity of view held by the ruling clique at Kilkenny ought to have made the formulation of policy both easy and rapid. But for several reasons it did not do so. In the first place, the Supreme Council was too unwieldy for decisive action even allowing for a high

rate of absenteeism. Moreover, if Rinuccini was right, by 1646 its membership had swelled to 40 through the addition of supernumeraries from among the peace commissioners who had represented the Confederacy at Dublin and Oxford.<sup>1</sup> Secondly, in spite of their actual power, the New Irish were afraid to arouse the latent strength of the Old Irish and the antagonism of the Clergy. In consequence, they devoted a great deal of time to justifying their policies with more or less convincing argument. Time was also lost in voting; every decision had to be approved by the requisite majority; all trivial as well as weighty matters were considered.<sup>2</sup> Thirdly, they were essentially amateur politicians with a pronounced tendency to confuse the cut and thrust of intellectual debate with practical action. So far as can be judged from reports of public debates, from contemporary pamphlets and from the records of their interminable discussions with Ormond, they admired oratory and savoured a nicely-rounded argument for its own sake.<sup>3</sup> Fourthly, as the Supreme Councillors and the Commissioners of Peace obviously had private as well as public interests,

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1. About February 19th, 1646, the General Assembly ruled that the Supreme Council be reduced to eight members; Com. Rin., II, p.149.

2. Embassy, p.133.

3. This could be a serious under-estimation of their political skill for it is possible that habitually and deliberately <sup>they</sup> encouraged delay as a device to keep the negotiations going.

they were often widely dispersed. This might not have been serious had the rule stipulating that 12 Councillors be resident always in the same place been strictly observed. As it was, much time was often wasted in re-assembling the members. Fifthly, just as the King was preoccupied with many urgent problems other than obtaining aid from Ireland, so the Confederacy was concerned with other matters besides the negotiations with Ormond. For example, many hours of debate as well as much spleen were spent on resolving the rival claims of the Earls of Antrim and Castlehaven to supreme command of the army.<sup>1</sup> And, lastly, while the Commissioners of Peace enjoyed plenary powers, these would appear to have been assumed defunct whenever negotiations were formally adjourned. After each adjournment, a new General Assembly had to be summoned with concomitant delay.

One other aspect of the negotiations between Charles I and the Confederacy, which calls for particular attention, is the fact that they were not confined to Ireland alone. After taking up residence in France in the autumn of 1644 Henrietta Maria made spasmodic efforts to force them to a conclusion, exerting both direct and indirect pressure. She also tried on two occasions to

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1. See below p. 236.



arrange a settlement with the Papacy in which the interests of the Irish and English Catholics were treated as though they were inseparable - over the heads of both Ormond and the Supreme Council. The part played in the negotiations by the two popes whose pontificates coincided with this period was in any case very important.



### CHAPTER III

#### Events Leading up to the Cessation.

The first overtures came from the Confederacy. Within two months of the outbreak of the Rebellion, some time before the Confederacy as such had been established, the gentlemen of the Pale prepared an address to the King in which they swore to lay down their arms as soon as their grievances had been redressed<sup>1</sup>. They chose Lt.Col. Reade, who was not Irish<sup>2</sup>, and who had some kind of reputation as a servant of the King<sup>3</sup>, to convey the address to England together with a letter to the Queen pleading for her intercession<sup>4</sup>. Reade went first to Dublin<sup>5</sup> where he was arrested by order of the

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1. Carte, V, pp.272-6; Gilbert, II, pp.236-40.

2. In *A Light to the Blind* he is described as English, p.81; Bellings has him a Scot, Gilbert, I, p.78.

3. See *A Light to the Blind*, p.81: "a sworn servant to his Majesty Charles the first". He had witnessed the events leading up to the rising and was thus considered to be a suitable person to send to the King. Besides, no one would molest the King's servant.

4. Carte, V, p.277.

5. According to Bellings' account, Gilbert, I, pp.78-9, Reade was given a message for the Lords Justices which was not really serious. His true purpose was to get into Dublin as an unsuspected person and then to look out for a favourable opportunity to slip away to England. Unfortunately, the Lords Justices found out what he intended to do.

According to his own story, Reade wrote to the Lords Justices requesting a pass into England. They invited him to Dublin for a conference and, on his arrival, promptly had him arrested. He was tortured on the rack despite his protestations that he bore a message to the King: cf. *The King to Ormond on Sir John Reade's behalf*, Jan. 22, 1645, Carte, VI, pp.235-6.

Lords Justices, imprisoned and tortured on the rack. It is not clear whether the Lords Justices took this action because they genuinely regarded Reade as a rebel engaged in trickery or because they knew he was bound for England and why, and wished to detain him. Naturally, it appeared to his sponsors of the Pale as a deliberately provocative act.<sup>1</sup> But if it were intended to deter them from further approaches, it failed of its object. They tried again through Clanrickard who wrote to Ormond asking if a ~~true~~ <sup>2</sup> could be arranged; and also through Castlehaven.<sup>3</sup> The Lords Justices refused.<sup>4</sup>

The first major approach was made in the name of all those who had rebelled. The first General Assembly,

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1. There seems little doubt that it was, but the suggestion that the Lords Justices put to Reade the tendentious question, "whether the King and Queen had not a hand in the Ulster Insurrection", may perhaps be discounted; *A Light to the Blind*, p.82; Plunket-Dunne MS., p.487; the story is also supported by Bellings, Gilbert, I, p.79.

2. Carte, V, p.314.

3. *A Light to the Blind*, p.94; Gilbert, I, pp.302-2. Various other petitions were made between November, 1641, and July, 1642, both by individuals and groups among the Irish Catholics. The Lords Justices found a simple way of nullifying them - they referred them to Lord Leicester in England and he was of course powerless to act without Parliament's approval even if he had a mind to do so. Borlase mentioned a number of petitions referred to Leicester in this way. E. Borlase, History of the Execrable Irish Rebellion, London, 1680.

4. Cf. their letter to Castlehaven, March 24, 1642, Gilbert, I, p.304.

convened in July, 1642, drew up a petition to the King in which they complained of the difficulty the Irish had experienced in appealing to him through the malicious intervention of the Council in Dublin, recounted their grievances, requested an opportunity to state their position and pleaded for a cessation of hostilities. As they did not trust the Lords Justices to convey the petition to the King, they sent it to Ormond who received it on August 6th and placed it before the Lords Justices and Council.<sup>1</sup>

Parsons and Borlase reacted as they had feared. In fact, this new development alarmed and annoyed the Lords Justices, since a reconciliation between the King and the Catholics would put an end to their scheme for turning Ireland into one vast plantation. Thus, although the whole Council resolved to send the petition to the King, they were so long in taking action that Ormond himself transmitted a copy on August 13th.<sup>2</sup> Eventually the Lords Justices, afraid that the King might hear from some other source, sent a copy of the petition in October, along with the advice that he should refuse to listen to the petitioners.<sup>3</sup>

With the war against the English Parliament now on his

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1. Ibid., II, pp.48-50; Carte, V, pp.352-3.

2. ~~Ibid., p.357.~~ Ibid., II, pp.404-5.

3. ~~Carte, I, p.391.~~ Ibid., p.405.



hands, the King was not inclined to let slip the occasion for easing the military situation in Ireland. In any case, he discounted the opinions of the Lords Justices, being perfectly aware that they were in collusion with his enemies. His reply to their letter, therefore, took the form of a reprimand to the effect that it was improper to send him a mere copy of the petition, and he demanded the original.<sup>1</sup> This was despatched on October 12th.<sup>2</sup>

Meanwhile, so much delay meant that the recently elected Supreme Council<sup>3</sup> at Kilkenny had heard nothing, and it might have been expected that through pride they would refrain from a further approach. Instead, at the end of October, they met again and drafted a second petition along roughly the same lines as the first, with the addition of a specific plea for freedom to practice their religion in peace and for equality with the rest of the King's subjects. They added the significant rider that their forces would be available to support the King's cause if

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1. ~~Carte, I, p. 394.~~ Ibid.

2. Cf. the endorsement on the copy of the petition retained by the Council, Gilbert, II, p.50. For some reason Bagwell declared that the King ignored this document and only responded to the second petition of the Confederates presented at the end of October; Ireland under the Stuarts, 3 vols., 1907-16, II, p.46.

3. Nov.11 - May 7, 1643. This Council consisted of 5 spiritual peers, Armagh, Dublin and Tuam, the bishop of Clonfert and the bishop-elect of Down and Connor, 4 temporal peers, Gormanston, Mountgarret, Roche of Fermoy, and Mayo, and fifteen commoners, mostly eminent lawyers; cf. Gilbert, II, pp.85-6.



their petition should be favourably heard.<sup>1</sup> At the same time, they prepared an address to the Queen asking her to intercede with the King on their behalf.<sup>2</sup> This time, both petition and address were rapidly conveyed to the King's headquarters.

Charles had nothing to lose at this stage in consenting to let the Confederates come forward with their grievances. He intended to make no concession of any substance while he might hope to gain the release of Ormond's forces from the Irish theatre of operations,<sup>3</sup> and, possibly, the support of the Catholic army itself.<sup>4</sup> To the likely complaint of his Protestant adherents that he was pandering to the rebels he could reply that it would be less than his bounden duty to listen to their petition since they might wish to make amends for the wrongs which they had done. As usual, without reasonable grounds, he

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1. Carte, V, pp.368-70; Gilbert II, pp.129-32.

2. Carte, V, pp.371-2; Gilbert, II, pp.132-3.

3. The King's anxiety to hasten a settlement in Ireland so that troops might be released for service in England was shown in several letters sent to Ormond, viz., Feb.2, Feb.8, Feb.22, March 23, March 31, Carte, V, pp.3-5.

4. Cf. Gilbert (Bellings), I, pp.119-20. It is plain that some of the Confederates could anticipate the King's own appreciation of his position.

assumed that peace could be easily arranged - "my commands ... are very feasible"<sup>1</sup>. Accordingly, he issued a commission under the Great Seal to Ormond, Clanrickard and several others, including Sir Thomas Bourke, instructing any three of them to meet the principal members of the Supreme Council and receive from them in writing whatever they wished to say, the document to be immediately transmitted to himself.<sup>2</sup>

The Commission, together with two explanatory letters, one to Ormond, the other to the Lords Justices<sup>3</sup>, was given to Sir Thomas Bourke to convey to Ireland, but contrary winds delayed his ship and he did not appear in Dublin until January 30th.

The covering letter to Ormond consisted of a description of the requests likely to be made by the rebels together with instructions as to how to deal with them.<sup>4</sup> First, Charles predicted, the rebels would ask for the repeal of the penal laws. To this, in no circumstances, could he consent; the laws were not harsh and he could do no more than condone the same laxity in their enforcement which had prevailed in the reigns of his predecessors and in his own reign prior to the rebellion. Secondly, they

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1. Carte, V, p.4.

2. Ibid., V, pp.380-1; Gilbert, II, pp.139-40.

3. Ibid., p.140; Carte, V, pp.1 - 3.

4. Oxford, January 12, 1643, C. Petrie, The Letters of King Charles I, London, 1935, pp.132-4.

would wish to be immune from the legislation of the English parliament and not bound to observe statutes passed in England until they had been confirmed by the Irish parliament. It should be emphasised that this had always been the practice until the present English parliament had chosen to ignore it. Nevertheless, in the acknowledgement of these legislative rights, there was to be no suggestion that a privilege was being granted for the first time. Further, they would desire the repeal of Poyning's Law, but to this he could not consent, one reason being that more dangerous consequences might follow from it than at first sight appeared. Nor could he welcome another likely proposal, namely that they should be restored to the plantation lands, of which they had been allegedly wrongfully dispossessed, though he was prepared to abandon the projects relating to Connaught and Clare formulated in 1641 and to consider the possibility of referring to arbitration the question of ownership in the few plantations made in several parts of Ireland during his reign. Finally, he thought that they might want to be governed by Ministers of State and officers who were Irish. In general, this was out of the question, but there would be little harm in allowing the Irish to fill some subordinate posts, as these could easily be kept under surveillance. In short, though he did not explicitly say so, he was disinclined to concede any liberty that he had not tacitly allowed at the



beginning of his reign.

Along with the Commission, Bourke carried a letter for the Lords Justices requesting that they should do all in their power to make a success of the impending meeting.<sup>1</sup> This was the last thing they were willing to do and their attitude was supported by the Committee of Parliament.<sup>2</sup> In fact, from this time forward until the end of April when Parsons was dismissed, the struggle in Dublin between the friends of the Crown and the friends of Parliament was at its height.<sup>3</sup> In this instance, they sought to confuse the issue and postpone the meeting with the Supreme Council by casting aspersions upon the record and character of Bourke, and, by implication, upon the commission he had brought with him. Bourke happened conveniently to be a Catholic; he was also a nephew of Clanrickard and one of those commissioned to work out a constitution for the confederates, and had, they charged, helped to foment

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1. Gilbert, II, p.140.

2. At the end of September, the English Parliament had dispatched a committee to Ireland to look after its interests and prevent a reconciliation between the King and the Confederates. Quite illegally, they were allowed from the beginning to attend council meetings. Acting, eventually, on orders from the King, the Lords Justices and the board informed the two Parliamentary Commissioners, Robert Reynolds and Robert Goodwyn, that they might no longer attend Council meetings. The King's order for their ~~exclusion~~ ~~harment~~ was despatched on February 3, Carte, V, p.393; see also the report of the Commissioners themselves to the House of Commons, R.I.A. Tracts, Box 26, Tract 35, V.30.

3. Earlier in January, the Lords Justices had given instructions to their forces to go to Wicklow and Kildare and to "kill all rebels there, to destroy by fire and sword their houses and crops and rob them of their cattle". T.C.P., IV, 157; Gilbert, II, pp.137-8.

the Rebellion.<sup>1</sup> The extent and viciousness of the rumours put into circulation may be gauged from the fact that they so affected some of the leading officers in the army that only the intervention of Ormond himself, who produced the commission and replied to the more sinister reports at an assembly of the principals, forestalled the spread of disaffection throughout all ranks.<sup>2</sup> And even though the chief pretext for vilifying the commission was removed when Bourke ailed of a fever only a few days after his arrival, attempts were still made to stir up the animosity of the citizens of Dublin. These attempts were unsuccessful, not because the parliamentary party in Dublin had vanished, but because the King's fortunes appeared at this time to be prospering.<sup>3</sup> So Ormond and his fellow-commissioners were able to consult together and to send a summons promptly on February 3rd<sup>4</sup> to the Supreme Council at Kilkenny to attend a meeting at Drogheda on the 23rd of

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1. Ormond to Charles I, n.d., 1643, T.C.P., VII, pp.166-7. This document is out of its chronological place in the Papers.

2. Ibid.; see also Ormond to Clanrickard, Feb.3, 1643, Carte, V, pp.390-1.

3. The Lords Justices tried in vain, in the presence of the Parliamentary Commissioners, to get a proposal adopted that the King be advised against a treaty; cf. Journal of Agent of English Adventurers for Irish Lands, 1642-3, Gilbert, II, pp.189-90.

4. The summons was sent to Kilkenny within two days of the receipt of the King's commission on February 1st. Ormond to the King, T.C.P., IV, p.218.

the same month. The summons was directed to Mountgarret, Gormanston, both members of the Supreme Council, and to eight others. It was signed by Ormond, Lord Moore, Sir T. Lucas and Sir M. Eustace and accompanied by a safe-conduct over the signatures of the Lords Justices.<sup>1</sup>

Having examined it the Confederates returned a chilly answer<sup>2</sup>. For this, they can scarcely be blamed, in view of its contents.

Fearing the effect on discussion which the presence of clerics might have, Ormond had appended a proviso to the safe-conduct that only laymen to the number of thirty should be nominated to attend. Later on, he found it politic to play off the Ormondists against the bishops, but at this time he had no such motive for his action. Opposition to any negotiations whatsoever, skilfully stirred up by Parsons and others, was so widespread and so vehement that to have participated in a conference attended by representatives of the Roman Church might have proved disastrous. Thus, he felt bound to insert this restriction on his own initiative and begged the King to endorse it.<sup>3</sup>

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1. T.C.P., IV, p.200; Gilbert (Bellings), I, pp.118-9; Gilbert, II, pp.155-6.

2. Gilbert (Bellings), I, p.120; having at first made "Many judgements ... upon the arrivall of this trumpetter, and most passionately desired to what messadge he had brought."

3. T.C.P., VII, pp.166-7.



As he must have expected, the Confederates failed to regard the difficulty in the same light. They insisted that they knew best who should represent them and asked for a sight of the King's commission. In their opinion Drogheda was neither neutral nor commodious and so unsuitable as a meeting-place. Moreover, they could put no trust in a safe-conduct signed by two such notorious enemies of themselves and their religion as Parsons and Borlase. What particularly incensed them, however, was an expression used in the safe-conduct, describing them as "actors or abettors in so odious a rebellion". They assumed these offensive words, wrongly as it happened, to have been maliciously inserted as a snub to them. They denied that they were rebels and declared their intention of suspending further correspondence until this false imputation had been withdrawn.<sup>1</sup> A command was given for their reply to be published, in order, according to Bellings, to convince the Northern Irish of their firmness.<sup>2</sup>

It so happened that the objectionable words had been taken directly from the King's own letter. Ironically, the King had almost certainly included them for the special benefit of the Lords Justices in order to disarm any

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1. The Supreme Council to the Lords Commissioners, Carte V, pp.401-3; Gilbert, II, pp.157-9.

2. Gilbert, I, pp.120-1.

criticism of his opening relations with the rebels. Nevertheless, it was, to put a charitable view on it, tactless to insert such words in a safe-conduct, and one cannot escape the conclusion that it was a calculated attempt to affront the Confederates and set their faces against further negotiations. Ormond did not like it and described the safe-conduct to the King as that "w.<sup>ch</sup> the Lordes Justices thought fit to give."<sup>1</sup>

Yet a stalemate was averted. The Earl of Castlehaven was staying by chance at his brother's house near Kilkenny when news of the frigid response to the summons reached him. Hastening to Kilkenny, he collected together a small group of the leading members of the General Assembly who, like himself, were anxious for a reconciliation with the King, and led them on a deputation to the Supreme Council. They represented that, since the General Assembly alone had the right to make resolutions on questions of peace and war and since a meeting with the King's Commissioners must be regarded as a necessary preliminary to peace, the Council were wrong to reject the summons on their own initiative, despite its offensive tone. Surprisingly, the Council accepted this argument with little demur. By this time, their tempers had cooled down and they were glad of a pretext for reversing their first decision

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1. T.C.P., IV, p.218.

without loss of face. According to Bellings they had also been privately informed that the obnoxious words had occurred in the King's commission.<sup>1</sup>

Accordingly, though as yet no reply had come to their letter of February 9th, the Council addressed another note to the Commissioners, but couched in milder terms. In this, dated February 18th, they pointed out that there had been time enough for a messenger to return with a reply to their first communication. They skilfully accounted for their persistence in face of a studied insult by allocating the blame for it to the Lords Justices:

"who because they would countenance theire own bad inclinations, and seconde theire many professions to destroy us roote and branch, would involve the Kingdome in a warre on both sides destructive to his Maties interests."

They insisted on their loyalty and insinuated a willingness to give material aid to the King. Their purpose was obviously to exert pressure on the Lords Justices by manoeuvring them into a position where they would appear to be frustrating the King's intentions - as indeed they were. It no doubt also occurred to them that they were, in so doing, strengthening the hand of Ormond and those

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1. Memoirs, pp.34-6. Castlehaven made his part in this transaction appear more decisive and dramatic than did Bellings, who described the promptings of the ad hoc delegation as very moderate, Gilbert, I, p.123.



members of the Privy Council who wished to negotiate. With regard to the arrangements for a meeting, they repeated their demand that the 'rebel' imputation be erased from future communications, asked again for another meeting place than Drogheda to be appointed, for some other form of safe-conduct, and for a sight of the King's commission. But this time they tacitly assented to the limitation of their numbers and to the exclusion of the clergy.<sup>1</sup>

The Supreme Council's first letter came into the hands of the royal Commissioners on February 14th and they, too, were annoyed and undecided whether or not to proceed further. At first they sought to shirk responsibility by referring the matter to the King,<sup>2</sup> but the receipt of the Council's second letter seems to have given them second thoughts for they acknowledged it at once. There is little doubt that the Commissioners, while favourable to the opening of negotiations and aware that the Confederates had strong justification for feeling affronted, were inhibited by the opposition of the Lords Justices and forced to tread warily. The Supreme Council's letter, as was intended, gave them the loophole they required.

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1. Confederate Catholics to Lords Justices, T.C.P., IV, p.231; Gilbert, II, pp.162-3.

2. Ormond to the King, T.C.P., IV, p.218.



So they agreed to a change of meeting-place. They also agreed to send at least a copy of the King's commission, while pointing out that the obnoxious words had also occurred in the King's letter to the Lords Justices of January 11th, this being their actual source.<sup>1</sup>

The Council's reply to this was studiously disarming. They now apologised for having taken such offence, reaffirmed their loyalty to the Crown, nominated six commissioners, all laymen, and proposed that the meeting should take place at Trim on March 17th.<sup>2</sup> To this proposal the King's Commissioners assented on March 1st<sup>3</sup> and the appropriate number of safe-conducts was despatched on March 6th.<sup>4</sup>

Shortly before March 17th Ormond led his army out of Dublin. At first sight it would appear that he was deliberately absenting himself from Trim as a slight to the Confederate agents, but this was far from the case. Writing later to the King, he explained that he was forced to undertake this kind of operation from time to time, because the shortage of food in and around Dublin became

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1. Commissioners reply to the Confederate Catholics, Feb. 18, 1643; T.C.P., IV, p.232; Gilbert, II, pp.163-4.

2. Feb.25., *ibid.*, pp.165-7.

3. *Ibid.*, pp.221-2.

4. T.C.P., IV, p.262; Gilbert, II, p.222.

so intolerable that it was necessary for the army to live off the land.<sup>1</sup> No doubt this was generally true, but on this occasion the truth was that Ormond was reluctant to leave the city and only did so at the instigation of the Lords Justices who wished to keep him out of the way.<sup>2</sup> This is plain from the vigorous efforts he made to return to Dublin without delay.<sup>3</sup>

While Ormond was out campaigning, the King's Commissioners had been receiving the Confederates' petition, as arranged, at Trim.<sup>4</sup>

Its preamble was an ingenious statement of their position vis-à-vis the King:

"Wee your Majestie's most dutifull and loyall subjects the catholiques of your highnes kingdome of Ireland, being necessitated to take arms for the preservation of our religion, the maintenance of your majestie's rights and prerogatives, the natural and just defence to our lives and estates, and the liberties of our country, have often since the beginning of these troubles attempted to present our humble complaynts unto your royall view ..."

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1. Carte, V, p.431.

2. Order of the Lords Justices and Council, March 1, 1643. The army must march out and live off the rebels. The tone of this letter was remarkable for its viciousness. T.C.P., IV, pp.255-6; Gilbert, II, pp.208-10.

3. See below p. 79. Bellings, who presumably derived his information from Ormond himself, interpreted this episode as an attempt on the part of the Lords Justices to have Ormond replaced by Lord Lisle, who shared their views, Gilbert, I, pp.123-7.

4. The Confederates were represented by Viscount Gormanstown, the Baron of Upper Ossory, Sir Lucas Dillon, Tirlough O'Neill, Sir Robert Talbot and John Walsh. T.C.P., IV, p.266; cf. the copy of their authority, Gilbert, II, pp.224-5.

and later on:

"... and therefore do protest, wee have beene therein mallitiouslie traduced to your majestie, having never entertained any rebellious thought against your majestie, your crown or dignitie; but allwaies have beene, and ever will continue your majestie's most faithfull and loyal subjects..."

Thus, they had been 'necessitated'<sup>to take up arms</sup> - how carefully this word must have been chosen - not just for the defence of their own property and religion but in defence also of the King's 'rights and prerogatives'. This was the only possible interpretation of their recent actions that they could proclaim in public, but there is no doubt that it was further intended as a hint to the King of a legitimate pretext for corresponding with them. For if they asserted that what they had done had been provoked by the Lords Justices and others, who had deliberately persecuted and traduced them and goaded them to arms, then the King, as the fountain-head of justice, was bound to listen to their grievances.

The tally of these grievances was set down at length and with great skill, including all the abuses they had endured since the reign of Henry VII. A sustained attack was made on the Lords Justices, who aimed, it was said, at the destruction of their nation and religion and deliberately prevented them from appealing to the King. The recent Act of Adventurers and their incapacity to hold any office under the Crown and to educate their children in the universities or public schools of the



kingdom came in for special mention. As usual, their resentment against the parvenu arrivals from England spilled over in a flood of bitter complaints. Finally, they implored the King to have their grievances redressed in a free parliament during the sessions of which Poyning's Act should be suspended. They also asked that he should dismiss Parsons. And, their grievances having been redressed, they offered to furnish ten thousand men for the King's service.<sup>1</sup> The Commissioners instantly conveyed their petition to the King<sup>2</sup> and sent a copy to Ormond.

When news of the Confederates' list of grievances reached Dublin, certain Irish Protestants, in their turn, (and at inordinate length) drew up a statement of their own interests. In the main, it consisted of their customary indictment of the Catholic religion and the Rebellion, but in one notable passage the Protestants actually identified themselves with the Catholics. This occurred when they insisted on the right to freedom from the legislative control of the Parliament in London. Clearly what they desired was absolute freedom for themselves along with absolute control over all the 'papists' in Ireland.<sup>3</sup>

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1. Carte, V. pp.408-24; Gilbert, II, pp.226-42.

2. Ibid., pp.243-4.

3. R.I.A. Tracts, Box 37, 12, V, 41; Rushworth, I, p.240.

Ormond received the Confederate petition on March 25th, and though personally disapproving of its contents and aware that the concessions desired were unobtainable in view of the King's letter of January 12th, forwarded it to England.<sup>1</sup> At this moment his disapproval was not confined to the Confederates. The Lords Justices had taken advantage of his absence to revive their attempts to sabotage negotiations. Three or four days before the meeting at Trim, they had talked the Council into ordering the execution of a group of rebels who had been promised quarter.<sup>2</sup> And on the preceding day, March 16th, in face of opposition from a minority of the council, they had drafted a letter to the King advising him against peace with the Confederates on any terms short of the complete forfeiture of the lands of all those who had taken part in the rebellion. As if to emphasize the obtuseness of this point of view considering the present plight of the Royalists in Ireland, they described in the same letter the harrowing straits in which their army and the people of Dublin now found themselves.<sup>3</sup> They still seem to have believed that if they repeated their difficulties sufficiently often, aid would be forthcoming from England - though from

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1. Carte, V, p.431.

2. March, 13, Order of Lords Justices to Sir H. Tichborne, T.C.P., IV, p.280.

3. Cox, II, app.IV, pp.6-14.

what source they never specified - and with such aid they would be able to exterminate the rebels. Ormond, they considered, was hostile to their policy and they sought desperately to keep him in the field. Ormond was equally determined to return to the centre of affairs. On March 24th he informed them that he could stay in the field no longer without supplies.<sup>1</sup> They replied on the next day that it was impossible for him to bring back the army for they could not even support themselves. Yet they contrived somehow to send him some stores<sup>2</sup> to keep him quiet!

But Ormond was weary of the Lords Justices, whose object, he could see, was to compass the King's destruction at the hands of Parliament,<sup>3</sup> and he resolved to submit to Charles a comprehensive report of the state of Ireland. On April 1st, he was joined in a letter by several members of the Council, of which the gravamen was that, failing the immediate receipt of substantial aid, the army must disintegrate and the Irish Protestants perish.<sup>4</sup> Indeed,

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1. Ormond to the Lords Justices; T.C.P., IV, p.323.

2. Lords Justices to Ormond, Mar. 25, 1643, T.C.P., V, p.1.

3. In fairness to the Lords Justices it is to be noted that they were by no means unrepresentative of Protestant opinion generally; cf., for example, Inchiquin to Ormond, Mar. 25, in which Inchiquin frowned on the dealings with the Confederates, *ibid.*, p.7.

4. Carte, V, pp.433-5.



conditions in the ranks had become so insupportable that long before this the officers had drawn up a remonstrance to the Lords Justices and Council in which they enumerated their undoubted grievances and stated explicitly that they had been the victims of misdirection and speculation.<sup>1</sup>

Charles, also, was tired of turning a blind eye to the disloyalty of the Lords Justices. On March 31st, he issued an order for Parsons to be replaced by Sir Henry Tichborne as Lord Justice.<sup>2</sup> At the same time he did not feel sufficiently strong to punish Parsons beyond this demotion and Parsons remained on the Council Board as leading spokesman for the Parliamentary sympathisers. But his time was running out and he was shortly to be imprisoned.<sup>3</sup> This demotion of Parsons has often been described as the direct result of the remonstrance presented at Trim. The evidence does not support this conclusion. However, this was one of those many occasions when what came to matter were not the King's personal reasons for taking a particular step but what people chose to think they were. Henceforward the Confederates took

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1. Ibid., pp.395-7. On February 10th, Charles had written to Ormond saying that he had received his officers' grievances and wished them to know how much he appreciated their hardships and how beholden he was to their loyalty, T.C.P., IV, p.227; see also the King to Ormond, Mar.8, 1643, Carte, V, p.408.

2. Gilbert, II, XXXV.

3. See below pp.104-5.

the view that Parsons had been dismissed in obedience to their complaints against him, and the legend steadily grew that the rebellion had been largely provoked by the injustice inflicted on the Irish and that the Irish instantly returned to their allegiance when the unjust ministers had been dismissed. This was the argument consistently advanced by the authors of the Plunket-Dunne MS. and invoked by Bishop Nicholas French:

"... but no sooner were the Presbyterian Lords Justices deposed and imprisoned by the King's commands, but the Roman Catholics returned to their duty, first, by a cessation..."<sup>1</sup>

The demands made by the Confederates in their remonstrance were such that the King could not even consider using them as a basis of negotiations for a Treaty. The English Parliament was well aware of his dilemma. Viewing with increasing alarm the progress towards a cessation, they shrewdly published, at this time, a declaration against it, on the grounds that it would aggravate the already dangerous situation of the Irish Protestants by casting them upon the mercy of the Irish Catholics. Rather extravagantly, they added the comment that it would foreshadow atrocities in England.<sup>2</sup> The King

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1. Op.cit., p.120.

2. Reasons against the Cessation of Arms, Gilbert, II, pp.292-5. In a letter to the Lords Justices, Parliament referred dramatically to an "impious design" to sell protestant blood by a peace with the rebels and to fasten the blame for its necessity on them, T.C.P., V, p.340. (June 26,)

judged their polemic for what it was worth and ignored it. Yet the appalling condition of the army and of his followers in Ireland cried out for amelioration. Since he could not send them supplies his only recourse was to try to arrange a temporary truce. This was at the same time the only way in which he could effect the release of Ormond's army for the service in England he now intended for it.

Therefore, on April 23rd, he commissioned Ormond to negotiate for a cessation of arms for one year, giving him a free hand as to the terms to be proposed, on account, as he put it, of his ignorance of the exact conditions prevailing in Ireland.<sup>1</sup> He also sent him a personal letter in cypher requesting that the army be conveyed as soon as possible to Chester.<sup>2</sup> With the commission, he despatched an instruction for the Lords Justices, enjoining them to assist Ormond in the prosecution of the affair,<sup>3</sup> but significantly advised Ormond not to produce it until he had confirmed that the Confederates were prepared to discuss a cessation, it being necessary for the sake of protocol that the first move should appear to come from their side.<sup>4</sup> Already the King was slipping into that

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1. Carte, V, p.445; Petrie, pp.135-5; Gilbert, II, p.267.

2. Carte, V, pp.445-6; Gilbert, II, p.267.

3. Carte, V, p.444; Gilbert, II, pp.265-6.

4. Justice Donnellan informed Clanrickard by letter on May 11th that only he and one other knew of the King's commission, Carte, V, pp.447-8.



complex web of intrigue which was to involve him in so many difficulties, subject him to so much suspicion, and cause continuous embarrassment to Ormond.

Having received the King's commission, Ormond decided to send two representatives on an exploratory mission to Kilkenny where on May 20th the General Assembly was scheduled to meet and whence they might send frequent reports. Accordingly, on May 16th he issued passes to Lord Taaffe and Colonel John Barry, both courageous, reliable and devoted to the King.<sup>1</sup> Barry was destined to play an outstanding part in Ormond's negotiations with the Confederates. As an old friend - perhaps Ormond's best friend - he was entrusted with any confidential business which Ormond could not manage personally. Taaffe regarded himself as Ormond's man,<sup>2</sup> although occasionally acting

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1. Professor Coonan, op.cit., p.165, infers that the King himself employed Taaffe and Barry on their mission to Kilkenny, because he was beginning to distrust Ormond. The King would scarcely have selected Ormond's close friend for this role and the evidence for this use of Taaffe is slight (Taaffe was sent to Ireland with a personal introduction from the King as one who might be able to induce the rebels to accept reasonable terms; the King to Ormond, May 6, 1643, Carte, V, p.446). The latter seems to have hinted at greater concessions to the Confederates than Ormond had been empowered to grant (Ormond to Barry, T.C.P., V, p.208) but Professor Coonan adduces no proof that these concessions originated with the King.

2. Cf. Taaffe to Ormond, April 13, 1644, T.C.P., X, p.117.



independently. He also played a big part in the negotiations. To some, like the author of the Aphorismical Discovery, he was an opportunist, to others a cagy<sup>e</sup> individual. Perhaps, the fairest judgement to be passed upon him is that he was genuinely torn between his allegiance to the Crown and his obligations to his co-religionists at Kilkenny.

It would appear that Ormond consulted with members of the Council on May 3rd and in pursuance of a decision then taken issued Barry and Taaffe with instructions on May 15th. According to these, they were to inform the Confederates that, while it was thought feasible to have a truce, any propositions put forward must be moderate. Further, the first approach must come from the Confederacy.<sup>1</sup>

At Kilkenny,<sup>2</sup> Barry and Taaffe encountered difficulties chiefly in the number of contradictory voices clamouring for attention. It was, however, strongly in their favour that the Confederates could do no less than agree to consider a cessation of hostilities if their desire to present their grievances to the King was sincere. They were also able to point out that, following upon a cessation,

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1. Ibid., V, p.255.

2. Aphor. Disc., p.77, reported the arrival also of Clanrickard, Thomond, and Costellagh (Costello). They had come to win over the Confederates "to Ormond's Presbyterian partie."

the bulk of the King's forces in Ireland would be sent to England. This troop movement, besides benefiting the King, would place the Confederate armies in a strong position. Beyond this, many delegates foresaw other considerable advantages ensuing from a truce: it would prevent further devastation of the land by either side, it would give them time to raise funds, and, above all, it would afford them an opportunity to expel the Scottish army from the North.<sup>1</sup> On the other hand, a number of delegates thought it not merely inopportune but foolish to stop the war when their armies were doing so well, and when it looked as though Ormond's forces were about to collapse for lack of essential supplies. They were afraid, also, that the King's pardon might be <sup>an</sup> inadequate safeguard, in view of the precedent created by the Act of Adventurers, which stripped him of his power to show them any grace or favour without parliamentary consent.

At about this time, in an attempt to influence a favourable majority, the Marquis of Clanrickard prepared and circulated a brief pamphlet setting out reasons for supporting a cessation.<sup>2</sup> He pointed out that, no matter how often the Confederacy claimed otherwise, they remained vis-à-vis the King in a state of rebellion. Obviously

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1. The case for a cessation was forcibly argued by Bellings in a statement addressed to the papal delegate, Scarampi; Gilbert, II, pp.319-21.

2. Gilbert, (Bellings), I, p.155.

the situation could not be altered unless the opportunity were created for a meeting with the King at which they might state their grievances. And such a meeting could not take place until a truce had been declared. A permanent settlement would have to be arranged through a Parliament which could not be summoned until the fighting had ceased. Now was a good time to sue the King for mercy, when their principal enemies were also at war with him. They would be released from the threat from the Scots. People would come to Ireland for safety and bring their wealth with them - an interesting motive. Both sides would be able fairly frankly to discuss matters so as to see the other's point of view. The King would be free to concentrate upon defeating his enemies across the sea. On the other hand, failing a truce, the bloodshed would go on, the king might come to terms with Parliament, whereupon all would turn upon Ireland.<sup>1</sup>

Six days of debate took place, in which the objectors clearly caused some wavering among the majority, before the Assembly voted to seek a cessation of one year, appointed eight agents and proposed articles to be presented at a time and place of Ormond's choosing. The chosen commissioners were Muskerry and John Walsh, representing Munster, Gormanston and Sir Robert Talbot, representing

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1. T.C.P., XCIX., p.502.

Leinster, Sir Lucas Dillon and Geoffrey Brown, representing Connaught, and Ever Magennis and Tirlough O'Neill, representing Ulster, any five of them, a quorum presumably, being given full powers to conclude a cessation and to offer a subsidy to the Crown.<sup>1</sup> Gormanston died during the subsequent negotiations and was replaced by both Nicholas Plunket and Sir Richard Barnewall. At least five of these were to become Ormondists and no fewer than six were lawyers, which may help to account for the legal niceties which abounded in all dealings with the government in Dublin, as well as the attention paid to the setting up of Inns of Court in Ireland and the appointment of Irish Catholics to judicial office.

One Confederate proposition was that the present Parliament should be dissolved and replaced by a free one. There was, as Ormond could see, justice in this; the present Parliament was unrepresentative and the confederates were entitled to a share of the seats. The difficulty was that, since they now controlled the greater part of the country and most of the towns, they would be bound to dominate any new parliament by a large majority. Apparently Taaffe had further complicated matters by assuring the Confederates that the King had assented to the election of a free parliament. In the absence of a directive from the King

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1. Order of the Supreme Council, Gilbert, II, Preface xlii-iii.



Ormond instructed Barry, who had remained at Kilkenny, to inform the Confederates that they should entertain no expectancy on this point. He also prescribed that they should be prepared to subsidize his army, seeing that its distress was due mainly to the fact that they had diverted the King's normal revenue to themselves.<sup>1</sup> But his main motive for insisting on a subsidy was that, once a truce had been arranged, his army would no longer be able to maintain itself by periodic foraging expeditions into Confederate territory. In the circumstances, Ormond's approach to negotiations might seem a little curious, as though he and not the Confederacy were arguing from a position of strength, and it was doubtless his stiff attitude on this and other occasions which gave rise to the belief that he was, in fact, opposed to an agreement. On the other hand, this stiffness might be taken as a refusal to sacrifice principle for the sake of expediency, though it is permissible to draw the inference that Ormond was presuming that the anxiety of the majority at Kilkenny, the future "Ormondists", to secure a cessation exceeded their capacity for taking offence.

On 8th June Barry informed Ormond that he could extract no satisfaction from the Confederates on the question of a subsidy. Nevertheless, Ormond caused safe-conducts to be issued for the eight commissioners on

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1. Ormond to Barry, June 1, T.C.P., V., p.208; Gilbert, II, p.284-5.

13th June requesting them to meet him at Castle Martin on 22nd June.<sup>1</sup> But he also asked Barry on the 14th if the commissioners were to have power to treat on this point and made the actual delivery of the safe-conducts conditional upon an affirmative answer. Moreover, although he had himself already decided on the time and place of meeting, he thought it better that the official request should come from the other side.<sup>2</sup> No wonder! Sir John Temple, a leading parliamentarian, protested against the impropriety of asking the "rebels" for a truce before they had petitioned for it.<sup>3</sup>

It was soon shown that his reliance on the anxiety of the majority at Kilkenny to secure a truce was justified. On June 17th the Supreme Council informed him that they had appointed agents with plenary powers to conclude a cessation and asked him to fix a convenient time and place. They had decided to postpone their demand for a free Parliament and they were willing to find a sum of money for his army, the exact amount to be arranged by their agents.<sup>4</sup>

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1. T.C.P., V, p.247; Gilbert, II, p.286.

2. Ormond to Barry, June 14, T.C.P., V, p.252; Gilbert, II, p.287.

3. Algernon Sidney to the Countess of Leicester, June 18, 1643, Gilbert, II, xlviii.

4. Gormanston and others to Ormond, June 17, T.C.P., V., p.269.

Meanwhile, Ormond, whose difficulties with his own camp were almost as serious as those with the Confederates, had been carefully educating opinion in Dublin to accept the necessity for a truce. In some way, news of the King's commission had leaked out. Wild, sinister rumours were being circulated about what it portended. At first Ormond only took into his confidence those members of the Council whom he knew to be loyal,<sup>1</sup> but soon he had to enlighten the whole Council.<sup>2</sup> To several of the councillors the news came as a complete surprise. Some of them were bitterly opposed to a cessation. "I like it so ill as I shall never assent to it", wrote Sir John Temple to Lord Leicester. But, he went on, the Viceroy claims that he has complete authority from the King to conclude it and need not consult anyone here.<sup>3</sup> This

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1. A number of letters addressed by parliamentary sympathisers to friends in England were intercepted by the Confederates. Besides throwing light on the attitude of the extremists in Dublin towards the Confederacy, they contain useful information about the events leading up to the opening of negotiations. We learn, for instance, that from June 9th onwards frequent meetings took place at Ormond's house at which Ormond discussed the Confederate proposals and considered what action he should take with Lord Taaffe, who had reported back from Kilkenny, Tichbourne, the Earl of Roscommon, Lord Brabazon, Sir James Ware, Justice Donnellan, Sir Maurice Eustace, and Sergeant Major Warren. Extracts from this captured correspondence were quoted by Gilbert, II, xlv-lxviii.

2. Ormond to the King, July 11, Carte, V, pp.456-8.

3. June 20, 1643, T.C.P., V, pp.284-6.



may not have been true. Temple was no friend of Ormond and an atrabilious enemy of the Irish Catholics. And it is a fact that Ormond took the precaution of obtaining the unqualified support of the majority of the Council before taking the next step. On June 21st, at the council-board, he proposed a motion that if a cessation were considered dishonourable to the King, prejudicial to the safety of Protestants in Ireland and dangerous to the army, letters to that effect should be sent to the King and with them should go a proposal for some easier, surer way of protecting the interests of the King, his protestant subjects and the army. If such letters and such a proposal were to be produced, he undertook by the power vested in him to pursue no further negotiations for a truce.<sup>1</sup> To make doubly sure he declared on the next day that if he were to be provided with £10,000, half in money and half in food, he would once again march out against the enemy and have no further parley with them.<sup>2</sup> No supplies were forthcoming; even the Mayor and other prominent citizens were brought in to confess to the poverty of the city; no proposition was put forward. These facts were solemnly inscribed in the council books and signed by the full board,<sup>3</sup> Temple and others having apparently decided to exercise discretion rather than risk

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1. Gilbert (Bellings), I, p.156.

2. Gilbert, II, pp.290-1.

3. Act of the Board concerning the Cessation, June 22, 1643, T.C.P., V, p.291.

the consequences, of<sup>showing</sup>/valour. As for Ormond, his conscience now clear, he set out for Castle Martin, in the county of Kildare, accompanied by several members of the council and a number of senior army officers.

Punctilio was the keynote of the negotiations between the Confederate commissioners and the King's government in Ireland from their very opening until their fruitless end. Time might not have mattered. The discussions, if they may be so described, which terminated in the declaration of a truce, were typical of the negotiations as a whole. It is intended to describe them in some detail, in order to illustrate the cumbrous procedure adopted, but with regard to subsequent negotiations to refer only to outstanding points at issue or to points raised for the first time.

Aside from Ormond's refusal to recognize the legality of the Confederacy's existence, which scarcely made for harmony, the extraordinary feature of the negotiations lay in the fact that they were conducted almost entirely in writing. There was no verbal argument. The Confederates presented their grievances and thereafter their amendments, and explanations in writing, and Ormond returned

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1. There is a detailed account of the series of conferences leading up to the cessation in one of the tracts contained in the collection of the Royal Irish Academy, Box 1, Tract 34. Most, if not all, the relevant documents are among the Carte Papers, Volume V; cf. also Gilbert, II, pp.284-308; pp.344-381.

his acquiescence, his refusals and his explanatory observations in the same form. George Lane, secretary to the council-board, acted as bearer of the correspondence. Very rarely one side, usually the Confederate Commissioners, proposed that a particular matter might be orally discussed in order to save time, which shows that negotiations by epistolary correspondence, although the method adopted, was recognized to be tedious.

The conference took place in the house of Sir Maurice Eustace and began on June 23rd, 1643. At the first encounter the Lord Lieutenant sat in a chair with his head covered while the Commissioners stood uncovered. Ormond requested that whatever grievances they wished to propose should be framed in writing. He would reply in the same manner. Gormanston, spokesman for the Commissioners until his death, asked to inspect Ormond's commission. Ormond simply replied that he would hear what they had to say in writing and appointed 8 a.m. on the next day as the time when he would receive their first communication.

Accordingly on June 24th, the Commissioners formally requested a sight of the King's commission. This was produced. Next they submitted their propositions, but these were returned unread because, it was pointed out, they were neither signed nor dated. Duly signed and dated, the propositions were conveyed by Lane to Ormond for the second time.



There followed more by-play and then the commissioners demanded to see the King's letter of May 3rd. Having examined it, they pointed out that they had "not observed any to be joyned in Commission with your Lordship in the Treaty, nor doth our Commission warrant us to Treat with any other", and insisted upon private talks with Ormond. They then asked to see the King's letter of April 23rd for the reason that that of May 3rd was only a copy.

The suspicions of the Commissioners were probably not levelled primarily against Ormond himself no more than Ormond's extreme regard for etiquette was concerned with putting the commissioners in their place.<sup>1</sup> Both sides had to consider the reactions of their own supporters. Thus, while the Commissioners were personally keen to make quick progress they dare not appear to be giving anything away. At the same time they realized that Ormond

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1. This is far from suggesting that Ormond and the Commissioners felt no distrust of each other. Throughout this period of discussions Ormond was particularly sensitive to the movements of the Confederate forces, for fear that they might unleash a surprise attack or attempt to enlarge their territory pending the conclusion of a truce: cf. Ormond to the Lords Justices, June 24, T.C.P., V, p.317: "Captain Chaytor can inform you in what places and numbers the rebells lie, his intelligence agrees with what I have receave here, & I suppose yo<sup>r</sup>. Hdps will hould it very needfull eather for the enlargement of o<sup>r</sup> quarters if the cessation be agreed on, or for ye interuption of their designes in case it should not to send forth a strong partie with all expedition".

was far from being a free agent and they still feared, with good grounds, that dark influences were at work in Dublin to make a reconciliation with the King impossible. Hence their toughness was intended simultaneously to impress the General Assembly and to secure themselves against the machinations of their enemies in Dublin. Likewise Ormond, although undoubtedly very conscious of the great dignity attaching to his office, and determined to extract every ounce of respect for it, was resolved not to give the Puritan elements on the Council and in the army any excuse for claiming that there was softness in his dealings with the Confederates. It is, in fact, by no means uncertain that Ormond was obliged to appear harsh and unbending lest he find himself isolated. In other words, in order to obtain a truce at all, he had to create the impression that the Confederates were making all the concessions, that a truce was a victory won and not a battle lost.

Moreover, as the business of governing the kingdom had to go on and as he dared not risk more than a little delegation of his authority, he had not the time to devote himself single-mindedly to the negotiations. This need not have been a serious limitation had the agenda of negotiation been simple and easily stated in general terms. In fact the points in dispute were tiresomely complex and skilfully supported on the other side by highly-trained

lawyers. Thus, it paid Ormond to adopt the procedure of negotiation by correspondence, for when it was his turn to reply, he could take his time if other urgent matters pressed upon him, and he could refer the multifarious details and the legal quiddities to his own experts.

Of course, there is another explanation of these respective attitudes. It is that neither side could see the wood for the trees. The Confederate Commissioners, of whom two-thirds were members of the legal profession, seem to have lost their way among their own subtleties. And if Ormond were no lawyer, it is arguable that he never saw, or, seeing, refused to admit the necessity of accepting the minimum foundations upon which a lasting settlement could be built.

At any rate the tedious overture which signalled the beginning of negotiations established a theme for everything that was to follow. Boring counterpoint followed boring counterpoint until it was a miracle that anyone recalled how and why the work had been set under way. Ormond and the Confederate Commissioners may have known what goal they sought but they erected every conceivable obstacle along the path towards it.

When Ormond had received the Confederates' propositions, he refused to consider them in detail until the Commissioners had agreed to a truce of one year's duration. He then stipulated further that they must consent beforehand to furnish supplies for his army. To this pre-condition



the Commissioners would not agree on the grounds that it lay outside their commission and could only be considered after a truce had been arranged. But they concurred that the truce should last for twelve months in the first instance. A day later they yielded so far as to consent to a discussion of the question of supply without prejudice. Ormond apparently remained adamant, for on the following day they abruptly told him:

"Wee are resolved to make noe further declaration in the matter of supplie, other than what wee have done all readie."

With this Ormond had to be satisfied.

The Confederate agents had presented their articles, of which there were ten, on June 24th. In the first instance, they called for a cessation of hostilities for a period of six months, later to be extended to one year. Secondly, they desired to retain their existing form of government. The third article concerned the freedom of commerce by land and sea. The fourth requested freedom to enter into hostilities with any of the King's enemies. The next two articles sought to designate anyone who attacked the Confederacy equally the enemy~~ies~~ of the King, and to obtain the protection of the King's forces for anyone who traded with the Confederates, wherever they might be. These articles were evidently inserted in the expectation that the Scots in the North would reject the Cessation. If Ormond could be made to accept them, he would be

obligatorily ranged with them against the Scots, an alignment of forces they strove constantly to create. The seventh article begged leave to send agents to the King under safe-conduct. The eighth dealt with the release of prisoners and hostages on both sides. The ninth requested the summoning of a free parliament for the redress of grievances before the end of September, this Parliament to meet in the presence of the King or someone whom they could trust, and no person to be debarred from a seat in it because of incidents that had happened since the beginning of the troubles. The final article proposed that some means be found of distinguishing between those who gave allegiance to the Crown and those who supported Parliament.<sup>1</sup>

Ormond's reply began with a carefully phrased preamble to the effect that he neither recognized the **legality** of the Confederacy nor accepted their argument that they had risen in arms to protect the Crown. The second and ninth of their articles he refused even to consider and the fourth and last he declined to answer. With regard to infringements of the cessation he thought that the guilty should be prosecuted but could not agree to assist the Confederates with the King's forces; he also specified that a breach of the cessation in one part of the country should not lead to

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11 T.C.P., V. p.315.

a general rupture, and that, in any case, hostilities should not begin until commissioners had investigated the cause of the breach and fourteen days had expired. Safe-conducts to England would be given to their agents provided that these did not exceed four, excluded clergymen and travelled with a retinue of sixteen or fewer. Prisoners and hostages should be set free with the exception of those who had borne arms or committed capital offences. He assented to freedom of trade on condition that the King's right to collect customs dues should be revived. And, lastly, he would approve a cessation of hostilities provided all his conditions were taken into account and an adequate subsidy furnished for the King's service.<sup>1</sup>

Disappointed with this limited offer the Confederates agents requested an adjournment until July 12th so as to have more time for reflection.<sup>2</sup> This was granted. On July 3rd Ormond said he would appoint a time for the re-opening of talks in due course, and they returned to Kilkenny. As they intended that each side should be left in possession of the territory <sup>which</sup> it held on the date a cessation were declared, and as their troops at this time were making ground

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1. T.C.P., V, pp.364-5.

2. Ibid., p.374. At some point on or before June 27th, the meeting-place had been removed to Sigginstown; cf. the safe-conducts issued to the Confederate Commissioners, *ibid.*, V. p.348.



in the field, it may have paid them to interrupt proceedings.

Even so, they and not he became impatient about delay. On July 12th they made no reference to Ormond's commentary upon their propositions, but restricted themselves to the question of supply. While the King had not asked for a subsidy in his letters and while therefore they were under no necessity to reply on this point, nevertheless as an earnest of their affection and loyalty they were prepared to make a voluntary gift of money ~~to the King~~. In the circumstances there was no obligation to divulge the amount which they had in mind.

Their letter was received by Ormond on July 14th. He judged it totally unsatisfactory and resolved once more to try conclusions in the field.<sup>1</sup> It is evident that this decision was hastily taken. Taaffe and Clanrickard, both hoping to persuade the Confederate Commissioners to be reasonable, were actually on their way to Castle Martin at Ormond's invitation when a message from Dublin informed them that the meeting had been deferred indefinitely. As far as they could gather, Ormond had moved out of Dublin because of menacing reports that Preston was marching towards the city.<sup>2</sup> Ormond informed Gormanston that he was disappointed

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1. According to Bellings Ormond took this step for two reasons: to counter Preston's activities, and, by displaying his strength, to impress upon the Confederates how much relief they would gain from a truce. Gilbert, I, p.161.

2. Gilbert, II, lxxxiv-v; Ormond confirmed this in a letter to Clanrickard dated July 23rd, *ibid.*, lxxxvi-vii.

by the excessiveness of their demands and that he would not be able to confer with them on the appointed day because he would be otherwise occupied with his Majesty's affairs; his business being concluded, he would recommend another date.<sup>1</sup> Resentful and suspicious the commissioners demanded to know what this important service might be, and in two letters they urged an immediate resumption of the convention and talked of slackness in looking after the King's interests.<sup>2</sup> In fact Ormond was still reluctant to press all out for a cessation and determined to give nothing away. He continued to be suspicious of the Confederate troop movements, and no doubt wished to make a show of strength in order to deter them from any sudden incursion into his territory. Moreover, it would appear that his own troops were again so short of food that it was necessary to forage far afield.<sup>3</sup>

On their side the commissioners could scarcely be blamed for feeling aggrieved. They had more than an inkling of what Ormond's pressing business might be; standing at Kilkenny for moderation, they had with difficulty overcome the arguments of those who opposed a cessation;

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1. Ormond to Gormanston and others, July 15, 1643, T.C.P., VI, p.41.

2. July 15 and 19, 1643, *ibid.*, p.48.

3. It is evident from the correspondence of Sir Phillip Percivall about this time that Ormond had been driven to complain about his troubles, N.L.I., Ormond MSS., June 12 1643 - March 24, 1643-4, p.92. He had also asked the Council for supplies only to be given the bad news that there were none to spare, *ibid.*, pp.99-100.

they were conscious that their bargaining position was strong; yet here they were, being fobbed off with a dusty answer to their propositions. It seemed that they could reach agreement only by sacrificing every gain for which they had reluctantly taken up arms. Moreover, they were irritated by the conviction that the King had not inspired either Ormond's provisos or the demand for a subsidy. They felt that, as always in the past, there was a conspiracy to deny them access to the King. The truth was that the King had given Ormond a free hand. Ormond was only doing what he conceived to be his duty. They would have been more correct to assume that the King would have wished him to be more flexible.

Ormond's campaign had soon to be abandoned. Preston refused to be drawn into a pitched battle and there were not the means with which to pursue him<sup>1</sup>. Elsewhere Confederate troops were making inroads into their territory<sup>2</sup>. For Ormond, this was conclusive proof that the only recourse was to secure a cessation. A few members of the council were still against it, but could not support their position with any argument fit to be voiced in public. To clinch the matter Ormond received early in August a fresh commission

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1. Ormond to the Lords Justices, July 24, 1643, T.C.P., VI, p.63.

2. Cf. Lords Justices to Ormond, Sept.8, where they describe how the rebels have gained much ground since the suspension of the treaty in July, *ibid.*, pp.250-1.



to treat with the confederates for a cessation of one year.

In England the King's affairs had not prospered during the summer of 1643. Consequently, whereas at the beginning of the year he had been interested in securing a truce primarily in order to relieve an intolerable burden from his army and adherents in Ireland, it was now bound up with his own survival. At Edgehill a favourable opportunity to settle the issue of the Civil War had misfired, forcing him on to the defensive and confronting him with the threat of defeat unless he could supplement his military resources with foreign or Irish aid. Thus, even at this stage, he may have come to believe that a peace treaty with the Confederacy would simultaneously safeguard his loyal Irish subjects and provide him with a reservoir of troops for service in England.

On July 2nd, he sent Ormond a second commission to treat. The date is important. It disposes of the excuse that he took this step only through fear of an imminent attack from Scotland. It was not until July 21st that the parliamentary commissioners set out to undertake negotiations there.

Charles instructed Ormond to negotiate for a truce to last one year provided means could be devised of assuring the subsistence of the royalist army during that period. He was willing to dissolve the present parliament, to summon a new one before November 10th, and to guarantee the safety of those members who should be elected to it.

To make things easier, he authorized Ormond to license representatives of the Confederacy to travel to England with a view to presenting a petition listing their grievances and preparing the way for "a just, honourable, and perfect peace in that our Kingdome". His anxiety to have an early meeting with the Confederates is clear from the fact that he asked Ormond to nominate suitable representatives of the protestant side.<sup>1</sup> It is also worth noting that he described the Confederates for the first time as the "Irish in arms" whereas previously they had always been "the rebels". As usual, his light disregard for the difficulties of the situation was only too apparent for already he was making plans in anticipation of a cessation. Thus, when on July 31st he instructed the Lords Justices to issue a commission to Ormond under the great seal of Ireland, empowering him to treat for a cessation of one year's duration and to use his own judgement in respect of conditions, he was ready to believe that the matter was already in hand:

"And in case the said cessation shal bee agreed and concluded upon before or after these our letters shall come unto your hands."<sup>2</sup>

To strengthen Ormond's position and to put an end to the obstructionist tactics of the Puritans in Dublin, he also gave orders for the dismissal from the Council of Parsons, Loftus, Meredith and Temple.<sup>3</sup> Since being demoted

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1. The King to Ormond, July 2, 1643, Carte, V, pp.455-6

2. Carte, V, pp.459-60; Gilbert, II, pp.317-9.

3. Gilbert, II, lxvii.

Parsons had continued to oppose negotiations with the Confederates. Henceforward, Ormond held undisputed sway over the government in Ireland.

The Lords Justices notified the Confederate Commissioners that negotiations would be renewed at Sigginstown on August 17th.<sup>1</sup> Within the past month, opposition to a truce had been hardening among the Irish. The Pope had given concrete expression to his blessing on the Confederate cause by sending a personal envoy, a member of the Oratory brotherhood named Peter Scarampi, whose ability and good sense he esteemed highly.<sup>2</sup> Scarampi arrived in Ireland about the middle of June bringing with him a supply of arms and money.

The Pope had delayed in showing his hand, for he could not afford either to support a lost cause or to give the appearance of supporting rebellions.<sup>3</sup> Hence, before acting officially he allowed time for the Confederacy to become established, as also to see what constitutional position the Confederacy would adopt.<sup>4</sup> Even now, he refrained from

1. August 5, T.C.P., VI, p.94.

2. Com. Rin., I, p.392; Gilbert, II, pp.264-5.

3. At the same time he scarcely wanted to give the impression of cold-shouldering the Confederates. Thus, he and his nephew, Cardinal Barberini sent gifts of money and also encouraged Generals Preston and O'Neill to proceed from Flanders to Ireland; cf. Gilbert (Bellings), I p.152.

4. His policy of inaction was assisted by the fact that the Confederacy took time to be formed. Consequently, the first official request for support was not made until November 28, 1642; cf. the Council's address to the Pope Urban VIII, Gilbert, II, pp.99-101.



sending a Nuncio and strictly enjoined Scarampi to keep the Confederates loyal to the Crown, and to avoid becoming involved in domestic politics.<sup>1</sup> It is to be noted further that both this Pope and his successor were reluctant to gain Ireland at the risk of forfeiting the chance of reconverting England.

Nevertheless, Scarampi's arrival stimulated the native Irish party and the clergy. <sup>Scarampi</sup> He also supported their arguments against agreeing to a cessation. Principally these were: that whereas their own armies were doing well in the field, that of Ormond was faring badly; that the Pope's subsidies could be regarded as the first of many to come from foreign princes, who would refrain, however, from tendering aid if the Confederacy suspended operations; finally, that it was ridiculous to provide supplies for the Protestant army when they were badly needed for the maintenance of their own troops, especially since the bulk of them would probably be used against themselves. In conclusion, Scarampi pointed out that he had not been sent to Ireland to assist in arranging an uneasy truce for one year, but to bring about the full restoration of the Catholic religion in Ireland.<sup>2</sup>

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1. Gilbert (Bellings), I, p.153.

2. Gilbert, II, pp.321-7.

The case of those who favoured a truce was put by Bellings in a statement to Scarampi which sounded feeble by comparison. He began by repeating how important it was to refute the charge that they were rebellious, then forecast that the money given to maintain Ormond's army would be offset by the ending of the depredations at present being made by the starving soldiers. He hoped that, following a truce with the Royalists, it would be easier to deal with the Scots in Ulster, and gave the assurance that the King would be free to concentrate all his efforts on the task, which was equally vital to them, of defeating the English Parliament.<sup>1</sup>

Whatever their respective merits, the views of such as Bellings finally prevailed over those of Scarampi, in part through the support given by three prominent neutralists, Clanrickard, Castlehaven and Taaffe. But passions remained inflamed and from this time forward, no common policy emerged from Kilkenny. Rather was it to be the policy of the New Irish, the self-styled moderates, which held sway, based on the majority of seats they enjoyed in the Supreme Council.

Accordingly the Confederate Commissioners agreed to reopen negotiations with Ormond. The date of resumption as proposed by the Lords Justices in their summons, was inconvenient, however, because, as they pointed out in their letter of acceptance, some of their number were so

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1. Gilbert, II, pp.319-21; see also Com. Rin., I, pp.413-21;

widely scattered that they could not possibly be assembled before August 31st.<sup>1</sup> To a new proposal that they should meet on August 24th,<sup>2</sup> they replied nonetheless that they would do their best.<sup>3</sup> And on August 24th when Ormond informed them that he was proceeding post haste to Sigginstown,<sup>4</sup> they also appear to have set out from Kilkenny.

By now, the desperate plight of the King's forces had been sharply revealed, for the Lords Justices had been compelled to authorize Clanrickard in Connaught and Inchiquin in Munster to arrange a temporary cease-fire in their respective provinces, so as to forestall the imminent collapse of their armies.<sup>5</sup> Again, on August 23rd Ormond expressed his and the Lords Justices' concern to hasten the reopening of negotiations in a letter to Clanrickard.<sup>6</sup> It was, therefore, with a feeling of relief that the government began discussions with the Confederate Commissioners on August 26th.

The conference was held this time in the house of a Mr. George Aylmer Hartwell<sup>7</sup> and besides the official

1. T.C.P., VI, p.112.

2. Ibid., p.125.

3. Ibid., p.140.

4. Ibid., p.144.

5. Tichbourne, writing in his military capacity to Ormond on August 29th, spoke of the necessity of a truce in Connaught if not already arranged. T.C.P., VI, p.256.

6. Carte, V, p.464.

7. T.C.P., VI, p.148.



representatives Clanrickard attended on the special order of the Lords Justices.<sup>1</sup> As the essential debate had already taken place on the Confederate side progress was much more rapid than before. Even so, there were some acute differences, and both sides continued to be suspicious of the honesty of the other's intentions.

The Commissioners tried in vain to get Ormond to commit himself to declare against the Scots:

"we desire the assistance of his Ma.<sup>tes</sup> forces against all such, as shall oppose the Articles of the Cessation, and will not yield obedience thereunto."<sup>2</sup>

But Ormond would only agree to examining each breach of the cessation on its merits as an isolated case and skilfully evaded any general commitment. They also disagreed over the conditions which should govern the dispatch of agents to the King. The Commissioners maintained that the dispatch of agents should be regarded as an implicit right of the Confederates, while Ormond insisted that they must first obtain a licence from the Lords Justices. Eventually, it was agreed that they should apply to the Lords Justices purely as a question of form.<sup>3</sup>

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1. Order of the Lords Justices, Aug. 25, *ibid.*, p.146; cf also the particular invitation to attend sent by Ormond on Aug. 5, Gilbert, II, xcvi.

2. T.C.P., p.150.

3. *Ibid.*, p.157, p.159.

A graver matter was Ormond's suspicion that Castlehaven's Leinster army was taking advantage of the lull occasioned by the Conference to annex new territory.<sup>1</sup> When he complained of this army's movements, the Commissioners protested that they could scarcely be blamed in view of the way negotiations always dragged. They also believed that the Royalists, too, were trying to "enlarge their quarters."<sup>2</sup> Ormond's method of putting an end to the problem was to request the Commissioners to agree to a standstill of troops in Leinster throughout the term of the conference and to instruct the Lords Justices to send out a force to the area in which Castlehaven was operating.<sup>3</sup> Castlehaven could not have been acting with any particularly sinister intent, because he ordered his troops to cease operations almost at once.<sup>4</sup> On the other hand, the Lords Justices refused at first to sponsor a cease-fire<sup>5</sup> and only relented when Ormond, who may have exaggerated in order to terrify them, stated categorically:

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1. Cox, II, p.132.

2. Gilbert (Bellings), I, p.161; Castlehaven, Memoirs, p.42.

3. Sep. 7, T.C.P., VI, p.243.

4. Ibid., p.244.

5. Sep. 8., ibid., pp.250-1.

"if the forces now sent to repell the rebells about Trym and those partes have not speedy and good successe and that this treatie shall end in a breach I doe not see but that in a very short tyme the rebells will be intyrelly masters of this County."<sup>1</sup>

Later, on September 13, just two days before the truce was officially announced, he reported that the situation had already deteriorated.<sup>2</sup> Whatever the author of the Aphorismical Discovery recorded must be treated with suspicion, but he claimed that Ormond's chief muster-master had sworn to him that "there lived only at the time of the said cessation 500 men in all Ireland."<sup>3</sup> This report was demonstrably inaccurate. Nevertheless, so many signs seem to indicate that Scarampi and his supporters had been correct in their appreciation of the relative strength of the Royalist and Confederate armies.

There remained the problems of quarters and supply: how to draw a line between the territories of the two sides and how big a grant of money the Confederates should be prepared to make. It was in order to hasten agreement over the first problem,<sup>4</sup> which was complicated by the presence of royalist pockets in the territory held by the Confederacy, that the Commissioners proposed a switch from written

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1. Sep.8, *ibid.*, p.257.

2. *Ibid.*, pp.289-90.

3. P.73.

4. The author of the Aphorismical Discovery (p.73) was able to suggest another explanation for the Commissioners' haste - they had just heard of Lord Moore's defeat in Meath by O'Neill.



exchanges to verbal debate.<sup>1</sup> Whereas supply concerned Ormond most of all, the Irish maintained that they were under no obligation to make an offer. As a token of good will they were in fact prepared to do so, but only after all other matters had been settled. In the end, however, they waived this point and offered to provide £30,800<sup>2</sup> payable in instalments, half in cash, half in cattle. Ormond stipulated a larger sum, but allowed himself to be persuaded that this was the maximum they could afford.

When all the articles had been approved, Ormond, punctilious and cautious to the last, laid them before the councillors and the senior army officers in attendance for their endorsement. This was readily given, for it was generally realised that there was no alternative.<sup>3</sup> And so, on September 15th, Ormond, on the one side, as the sole person to whom the King's commission had been addressed, and the nine commissioners, on the other, formally signed a Cessation of hostilities to be in force for one year from that date.<sup>4</sup> They also signed a joint proclamation to be published throughout Ireland calling upon all and sundry to respect the truce. On the next

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1. T.C.P., VI, p.163.

2. Sometimes the sum of £30,000 is mentioned.

3. Carte, V, pp.468-9.

4. Gilbert, II, pp.364-84.

day, the Confederates granted the King £30,800, to be paid in six monthly instalments.<sup>1</sup> Evidently this grant was made separately from the official agreement, in order to satisfy the Confederates' insistence that it was an unsolicited gift.

The terms of this Cessation made no reference to any of the demands put forward in the various petitions of the Confederacy to the Crown. Neither did the Confederates commit themselves to despatching any military assistance to the King. Each side was to retain the lands held in its possession on September 15th, trade was to be free, and prisoners were to be surrendered. Above all, it was agreed that the Confederates should be permitted to send a delegation to Oxford, under safe-conducts which were to be issued on demand at any time.

The Scots, as expected, disdained to keep the peace and sporadic conflict continued in the North.<sup>2</sup> For the rest, the difficulty is to sift fact from fancy. In the main, Protestants recorded that Catholics broke the truce, while Catholics protested to the contrary. Probably there were some infractions on both sides.<sup>3</sup> Many stories

1. R.I.A., Box 30, Tract 25; Gilbert, II, pp.378-9.

2. Although according to Sir James Turner, the Scots needed a respite as badly as anyone. Memoirs, pp.29-30.

3. Cf. Egmont MS., V.1, pt.1, for infringements of the Cessation.

of Protestant provenance narrate that the Catholics purposely seized as much land as they could on the very eve of the Cessation.<sup>1</sup> There is, however, surely some significance in the fact that the Ulstermen, who might have been expected to be more recalcitrant than anyone else, behaved with restraint.<sup>2</sup>

Even so, observance of the truce did not connote approval. Most Protestants detested it. In the opinion of Lord Blayney,

"None that hath an English heart in his body, a Protestant face, and a Christian conscience, will give any obedience to such an unnatural composition of so great a quarrel, so just a war."<sup>3</sup>

For Cox it was a plot to achieve by ~~t~~reaty what could not be achieved by war and he ~~had~~ outlined various ways in which the Confederates exploited it to their advantage.<sup>4</sup>

1. Cox, op.cit., p.134. On the other hand the author of Aphorismical Discovery, p.75, records that the Confederates surrendered land in their possession.

2. Among the MSS. at Trinity College, Dublin, there is a letter from Owen Roe O'Neill to Chichester, dated October 7, 1643, answering a complaint about a breach of the cessation by some of his men in which he says he is willing to discuss the matter and, if necessary, refer it to Ormond's arbitration. T.C.D., 3, 11, f.120.

3. Lord Blayney to Lord Conway and Killaltagh - C.S.P. Ireland, p.395.

4. One was to disburse the money for the maintenance of Ormond's army in dribblets so as to keep that army enfeebled by short commons. It is interesting to note that Bishop French reported that the money was paid at once, op.cit., p.37. In fact both were wrong. But there is no point in drawing attention to any further contradictions. Both Catholics and Protestants, outside the governing parties, were convinced that all the advantages redounded to their opponents.



The Cessation was also a plot in the eyes of many Catholics but one hatched by the enemy. Its object was to ensnare the Pale nobility and make them tools of Ormond. From this time forward, Old Irish apologists always made great play of their subservient relationship to Ormond. Three hundred years later Professor Coonan follows this partisan line<sup>1</sup> but when his sources are checked they prove, as usual, to come from the Aphorismical Discovery. But to those who had flinched at taking up arms against the Crown, even to save it, the truce brought welcome relief of conscience. Some of this group were never to fight against the Crown again<sup>2</sup>; a few, no doubt, were pleased to be able to renew their old intimacy with Ormond<sup>3</sup>. This did not prevent them, however, from conducting the negotiations that were to follow with vigour and tenacity.

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1. Op.cit., pp.169-70.

2. The author(s) of the Plunket-Dunne MS. were most concerned to distinguish between these men and those who did fight again. The former were purged of any taint of disloyalty, the latter deserving of any punishment meted out to them. According to the same source, "Lord Muskerry, Col. R. Butler, the Duke of Ormond's brother, his uncle Bourk in Connaught, the Lord Mountgarrett, Col. Walter Bagnel, his cousin German, adhered to the peaces and Cessation, and no one of his relations joined the Nuncio." Carte's Abstract, p.556.

3. Ormond was certainly pleased to be able to resume normal friendly relations with some of them. A letter of his to Fennell dated September 30 began, "It is long since I durst write to you in this open way" and ended "Your very assured friend". Carte, V, p.468; Gilbert, II, p.386.

Yet, to believe that Old Irish apologists are unfair in attributing nothing but self-interest and gullibility to those who arranged the truce, is not to deny that the Confederacy struck a bad bargain. For while the short-term gains of Charles I and Ormond are apparent, it is hard to see what advantages accrued to the Confederates. In view of the wretched condition of the Royalists, they might well have angled for better terms. As things were, they had given Ormond a life-saving respite, and had still to reckon with the Scots. In ending the fighting they had deprived themselves of the only bond which united them, and, for vindication, they must trust in a conference with the King which might easily be shelved if the King's fortunes in England should take a turn for the better.

The clue to this bad bargain was the strong desire of the dominant faction at Kilkenny to put themselves right with the Crown. Effectively their interests had already diverged from those of the Old Irish, although there was not to be a formal division into rival parties at Kilkenny until the arrival of a papal nuncio in the Autumn of 1645.

The Cessation paved the way for negotiations with the King - the main motive for arranging it so far as the Supreme Council was concerned - but at a heavy price, for the Confederate movement was thereby robbed of its momentum. From now on, it wore itself out in a series

of interminable, sterile debates on policy. For the King the Cessation held out a wonderful opportunity. Despite his relatively weak bargaining position, the Confederacy had chosen to come to him. In the future he would have ample space for manoeuvres if he cared to use it skilfully, for the Confederate leaders had not the stomach to resort to arms a second time. As things turned out, <sup>however,</sup> it was to be neither the King, nor the Confederacy who profited from the truce, but their common enemy, the Puritans.



Chapter IVThe Oxford Conference.

The English Parliament greeted news of the Cessation with mixed feelings. It would release some of the King's forces from Ireland, it might quickly lead to the descent of a Catholic army on England, and it would make it more difficult to treat the Irish 'rebels' as undeserving of any mercy. On the other hand, it was a further weapon to be directed against the King's reputation. So, promptly, Parliament published a bitter Declaration against the Cessation. It would, they said,

"... highly affront the Protestant religion by setting up Popery, in the full height of all its abominations."

The rebels were weak and could not, in any case, abide by its conditions. It would only end in

"an inglorious, dishonourable peace, or a more doubtful war."

It would threaten the lives and property of the adventurers in Ireland and enable the Papists in Ireland

"to help the faction against religion here, and to act the second part of their bloody tragedy in this kingdom.<sup>1</sup>"

Parliament's indignation was largely feigned; it was perfectly aware that the sorry state of the Protestant army

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1. Gilbert, II, p.292.

in Ireland, to which it had contributed by cutting off supplies,<sup>1</sup> alone called for a lull in the fighting, not counting other considerations. Nevertheless, its strictures alarmed the King, for they were carefully designed to arouse the anti-Catholic sentiments of the majority of his followers, ignorant of the true state of affairs in Ireland. In the circumstances, he felt that he had no choice but publicly to defend his action. Accordingly, he prepared a pamphlet, The Grounds and Motives of the Cessation, relying on reassuring a sufficient number of his adherents to compensate for those who might regard his apology as an admission of the strength of Parliament's case, and thereupon desert him. The gist of his defence was precisely that the army could not subsist in Ireland through shortage of the very supplies which Parliament had refused to send, but he also made the point that removal of the Scots from Ireland was projected, an action calculated to imperil still further the safety of his protestant

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1. Cf. The Lords Justices and Council of Ireland to the speakers of the two Houses of Parliament in England, Carte, V, pp.481-97; cf. also, Plunket-Dunne MS., Carte's Abstract p.413: "The Parliament of England kept back all relief from the Duke of Ormond, else after the battle of Rosse he might have passed the Barrow fordable in several places and taken Kilkenny, but want of provisions forced him to retire to Dublin; and enter on the Cessation;" cf. also H. Hazlett, "The Financing of the British Armies in Ireland, 1641-9" I.H.St., I, pp.21-41.

subjects in that country. He concluded:

"... in fine there was an absolute necessity of their Cessation, as preparatory to a peace; which nevertheless he will never admit, unless it be such a peace, as may be agreeable to conscience, honour, and justice."<sup>1</sup>.

In spite of this defence, some Royalists withdrew their support, just as the King had feared. According to Cox, many of Newcastle's army laid down their arms. The Earl of Holland withdrew from Oxford saying

"that after he had heard of the Cessation, his conscience would not give him leave to stay on longer there."<sup>2</sup>.

Other courtiers may have gone with him. It also seems probable that news of the Cessation was a further inducement to the Scots to give military aid to Parliament.<sup>3</sup> What is certain is that the Scots' decision to join forces with Parliament seriously weakened Ormond's position in Ireland, for Monro, who up to this time had collaborated with him,

1. Carte, V, pp.469-472.

2. Cox, II, p.134; Clarendon attributed Lord Holland's departure from Oxford to spite; cf. History of the Rebellion, III, pp.258-9.

3. Clarendon was to write later: "The Cessation --- though prudently, charitably, and necessarily entered into, had been the most unpopular act the King had ever done, and had wonderfully contributed to the reputation of the two Houses of Parliament"! Historical View, p.1070.



henceforward acted in the interests of Parliament, with the bulk of the Scottish and English forces in Northern Ireland in support, despite the sustained efforts of the Council and Ormond to persuade him to observe the truce.

These results of the Cessation could not have failed to warn Charles of the much more serious consequences of any settlement leading to the use of Irish Catholic troops in England. If he had not known it already, he must have decided now that any such troops must be brought over with the minimum of publicity.

It must be added that if Parliament's criticism of the Cessation was dishonest, the King's defence of it was disingenuous, for while all the reasons he adduced were valid, he was careful to omit the most important of all - the need to free Ormond's troops for service in England. As early as September 7, eight days before formal agreement on the Cessation had been reached and long before its announcement in England, he had written to the Lords Justices and to Ormond, ordering them to consider the best means of transporting the army in Leinster to England.<sup>1</sup> By this time, the English Parliament and the Scots had struck their hard bargain and at any moment he could expect his forces to be heavily outnumbered unless he could detach some reserves from Ireland. For his efforts

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1. Carte, V, pp.465-7.

to redress the balance he cannot be blamed, yet it is vital to insist that had his primary concern in securing the Cessation been truly the safety of his Protestant Irish subjects, as he said in his pamphlet, he would have taken advantage of the truce and the £30,000 to be paid by the Confederates in order to refresh and re-equip Ormond's army so that it would be in good fighting condition if there should be a breach of the Cessation or if the Cessation should not be extended beyond one year.<sup>1</sup>

Ormond took pains to warn him of the temporary value of the Cessation. Along with the official documents, he included a note to Nicholas in which he pointed out that the King had gained no more than a little time

"to provide for the security and settlement of his interests in the Kingdom, which, without such a respite, would in all probability run very great hazards."

Unless the respite was turned to profit, the King would have to accept far worse terms in a year's time. It was imperative that there should be a strong body of troops in Ireland. More urgent still was the maintenance of communications between England and Dublin, so that the troops could be serviced from England and not left to rely on the exiguous supplies available in Ireland.<sup>2</sup>

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1. This was certainly the opinion of Ormond, cf. Ormond to Nicholas, Cl.S.P., II, pp.155-6.

2. Ibid., p.156.

But, as usual, Charles was neither interested in Ireland for its own sake nor in anticipating future problems. He wanted the troops there and then and the troops he would have. George Digby was given the task of arranging for their passage in collaboration with Ormond.

Digby had just become His Majesty's second Secretary of State. His appointment was important, not only because he was to have the oversight of Irish affairs<sup>1</sup>, but because he immediately struck up a warm friendship with Ormond, which was to influence relations between the Court and Ireland. There was about Ormond some ~~quality~~ quality which seems to have appealed to his impulsive nature and, on his side, Ormond responded to Digby's originality of mind and vital charm, while apparently fully aware of his many defects of character. On October 5th, Digby penned a letter of introduction saying that even if he had not been given an official post bringing him in contact with Ormond he had been resolved

"to have intruded myself <sup>into</sup> ~~with~~ the way of your Lordship's service, And even of being a volunteer in the King's business, to have sought a parte, in that parte of it which principally concerned your Lordship, that is, the affaires of Ireland!"<sup>2</sup>

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1. In theory, he was merely to convey the orders of the King and the Council to Ireland. In practice, he was constantly active on his own account. His interpretation of his office may have been unconstitutional but it was of immense value to the future historian. On paper Digby was both free and discursive, almost as though he were thinking aloud. Thus, while he deposited some rubbish he left behind a great deal of important evidence that a more careful Secretary of State would have kept to himself.
  2. Carte, V, p.475.



That these were not mere fulsome words Digby was soon to prove. He was to be always at pains to understand and sympathise with Ormond's problems and to ensure that Ormond's views did not go by default at Court.

Digby was to make an impression on Irish affairs during the next few years for two further reasons. The first was that he quickly came to stand at Court for those few who saw the need for an accommodation with the Confederates. He was not antipathetic towards Catholicism as were most of the King's other councillors and indeed eventually became a convert. The second, that his quick, inventive mind and somewhat slippery principles made him an apt confidant for the Irish intrigues which the King found so irresistible a snare and which, indeed, he frequently initiated. Gardiner went so far as to say:

"In Digby, Charles had a man to whom he could confide secrets of which it was well to keep the honourable secretary, Nicholas, in ignorance."<sup>1</sup>

Digby and Ormond indulged in a lively correspondence over the organization and transport of the expedition to England. One of the questions to be decided was whether or not Ormond should command the force in person.<sup>2</sup>

1. Civil War, I, p. 246.

2. The pros and cons were set out by Digby in a letter to Ormond, Nov. 17, 1643, Carte, V, pp. 511-14.

Reluctantly it was decided that in Ormond's absence the Royalist position in Ireland might deteriorate beyond redemption, and that he must of necessity remain there.<sup>1</sup>

As it happened, the King was out of luck with the army from Ireland. As well as the problem of finding a suitable commander, there was also difficulty in assembling and servicing the troops,<sup>2</sup> in weeding out malcontents and suspected parliamentarians, and above all in hiring ships.<sup>3</sup> It was a wonder that the morale of the three detachments which sailed for North Wales between November and February

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1. Digby to Ormond, Jan. 20., 1644, Carte, VI, pp. 21-22. Prince Rupert was given the command instead. To judge from his careful way of communicating the news Digby feared that Ormond might be offended.

2. So much so that Ormond had to pledge himself personally to pay for equipment for the horses as well as powder: cf. Ormond to Nicholas, Feb. 5, 1644, N.L.I., Ormonde MSS., June 12 - March 24, 1644, p. 323.

3. T.C.P., VIII, p. 154; Ormond to the Archbishop of York, Oct. 26, 1643, Carte, V., pp. 479-81.

1643-4, was as high as it was.<sup>1</sup> Having been encouraged at first by several minor victories over the Parliamentarians in Cheshire the army was crushingly defeated outside the walls of Nantwich on January, 25, 1644, and ceased to exist as an effective operational force.<sup>2</sup> For the King, the whole expedition was a disaster. His plan to counterbalance the addition of the Scots to the other side

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1. Several reports described the army's morale as high. Digby, for example, wrote to Ormond saying how "they were soe steadye and soe well settled in their affections to his majestie's service"; Carte, V, pp.534-5. But it is significant that when disaster came both the Court and Byron sought to pin the blame on the poor quality and treachery of the troops. Lord Byron had no doubts as to their worthlessness. On February 6th, 1644, he wrote to Ormond requesting him to send over "a considerable number of Irish natives with as much speech as may bee" (sic) as "The English (excepting such as are gentlemen) not beeinge to be trusted in this warr, wherof I have dayly some sadd experience or other." (Lord Byron to Ormond, T.C.P., IX, p.70.) According to Digby the fact that most of them were Welsh and Cestrians made them "very subiect to bee corrupted in their owne countryes." (Digby to Ormond, Feb.8, 1644, Carte, VI, p.33). In fact the evidence for treachery is unconvincing. At most, of 5,000 men who lived by fighting, 700 joined the Parliamentarians (Sir John Mennes to Prince Rupert, E. Warburton, Prince Rupert and the Cavaliers, 3 vols., London, 1849, II, p.371). And Clarendon writing in retrospect praised the carriage of the Royalist army (Rebellion, III, pp.322-5). The truth is that Byron was defeated through over-confidence and bad tactics.

2. Contemporary records of the army's brief campaign abound. See, for example, Malbon, Memorials of the Civil War in Cheshire, Cheshire Record Society, 1889, pp.87-119.



had failed and, what was worse, he had stripped his followers in Ireland of their main line of defence. He must have been painfully conscious of the absolute necessity of restraining the Confederates from taking up arms again and of the fact, indeed, that the arrival of these troops in England represented, henceforth, his only hope of escaping defeat. Other lessons which ought to have been learned seem to have been overlooked; the futility of bringing over troops in separate contingents;<sup>1</sup> the need to co-ordinate their movements with those of the royalist forces in England,<sup>2</sup> and the need to give Irish troops time to acclimatise themselves before being committed to any major action. It is noteworthy how, from this time forward, the King fixes his gaze on obtaining 10,000 troops, a figure the symmetry of which seemed to reassure him, as though getting them was all that mattered and questions of equipment, morale and co-ordination of operations less important. Perhaps the Confederates might have been more readily persuaded to fit out an expeditionary force

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1. It is true that this practice was unavoidable in view of the shortage of shipping. But it was unwise to commit the army until all the troops had been brought over. As it was, Inchiquin's spare troops were sent to Bristol and operated in the south-west while the third contingent of the Northern Group landed too late to take part in the decisive battle at Nantwich.

2. Prince Rupert was ultimately given Command of Wales and Cheshire and consequently of the Irish forces but rather too late in the day: cf. Carte, VI, pp.13 and 14.

if he had thought to present them with a clear plan of campaign, in which the details appeared to have been given close consideration, and every tactical objective clearly stated.<sup>1</sup>

There were still several private gentlemen in Ireland encouraged by the Cessation to make the attempt to enlist armies on their own account for the King's service.<sup>2</sup> Prominent among these were Colonel John Barry, Lord Taaffe,<sup>3</sup> Sir John Dongan, and Sir Robert Welch, each of whom expected to produce between two and three thousand men. However, the Supreme Council refused to allow private contingents of this sort to be taken out of the

1. This is not to reject the theory of Professor A.H. Dodd (see below pp. 216-7) that Charles nurtured a grand strategic plan for the union of Irish and Welsh forces. If the plan existed, the fault lay in not making it clearly known and in appointing an incompetent commander like the Earl of Glamorgan to manage the Irish side of it. In any case it would seem fair to allow Charles credit for concocting imaginative strategic schemes; it was as a tactician and commander of men that he was inadequate. (Studies in Stuart Wales, University of Wales Press, 1953; see also above Chapter IV ).

2. The King recommended them and others to Ormond; cf. for example, the King to Ormond, Feb. 4, 1644, T.C.P., IX. p. 58 recommending Col. Anthony Willoughby, who wished to raise troops from anywhere in Ireland. Ormond is to advance him £500. See also Ormond to Digby, Jan. 19, 1644, Carte VI, pp. 18-19.

3. Taaffe was usually optimistic and never more so than on this occasion; cf. "... send me commission and I will furnish your Highness with as many Irish well-armed, as you please ...", Taaffe to Prince Rupert, Oct. 16, 1643, Warburton, op.cit., p. 320.

Kingdom on the grounds that they would be better employed as part of the large force it proposed itself to raise.<sup>1</sup> In fact, the Supreme Council was determined to make the King deal exclusively with itself. The provision of troops was the basis of its bargaining power; if the King could obtain the troops he required by making a series of agreements with individual commanders, this power would largely disappear. Whether the King ever had such piecemeal action in mind is open to doubt, but certainly, by the Spring of 1644, it was brought home to him that if approaches were not made through the Supreme Council, they had to be abandoned altogether. Much has been made of the Council's willingness to allow levies to be recruited by France and Spain at the very time when they were refusing the King a similar privilege. The circumstances were, however, quite different; the Council was on friendly terms with Spain and France, anxious, indeed, to obtain money and munitions from those countries - it was still 'in arms' against the King.<sup>2</sup> Moreover, during the period when they

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1. There were other reasons - maintaining Castlehaven's army which was going to be in action against the Scots, for instance; cf. Supreme Council to O'Hartegan, Gilbert, II, pp.109-110.

2. Ormond was apprehensive of the consequences of Spain and France coming to recruit in Ireland. He believed the Irish would be encouraged thereby to raise their demands and to refuse to allow private recruiting for service in England; Ormond to Digby, Carte, VI, p.19.



were hoping for a successful outcome ~~to~~ their meeting with the King at Oxford, they carefully refrained from sending any troops abroad.<sup>1</sup>

Thus, the King's main hopes still rested on a general accommodation with the Confederates, and, consequently, on his go-between, the Marquis of Ormond. That this was his own opinion is shown by the fact that when news reached him that a Cessation had definitely been arranged, he decided at once to make Ormond his Lord Lieutenant. The exact nature of his hopes of Ormond and of Ireland may be deduced from the commission which he issued when formally conferring upon him the Lord Lieutenancy.,

It instructed him to prevent a rupture of the Cessation and to try to put back the departure of Confederate agents to Oxford.<sup>2</sup> If their departure could not be deferred, he was to induce them to moderate their demands. He was to extract from the Irish all the money and supplies that he could obtain and to see to it, as

1. Cf. Supreme Council to Father O'Hartegan, Feb. 22, 1644, Gilbert, III, p. 110; De la Monevie to Cardinal Mazarin, April 8, 1644, *ibid.*, pp. 135-6.

2. Yet, as early as October 19th, Charles issued instructions concerning the despatch of Irish officials to England to act as advisers during the conference with the Confederates which was arranged for in the Cessation; cf. Charles I to the Lords Justices, Oct. 17, 1643; T.C.P., VII, p. 101. This may have been a rare example of administrative efficiency. The letter was countersigned, Nicholas.

quickly as possible, that the 10,000 troops were ready for service in Scotland or England, as the situation should require. He was also to keep Monro's troops in Ulster. Charles suggested three astute but nasty ways in which this might be done. First, he might bribe Monro to remain. Secondly, he might stir up the Scots against the Cessation. And, thirdly, if these two stratagems failed and Monro, after all, left Ireland, the native Irish should be told that

"they could in no ways so much recommend themselves to the King, nor obtain for themselves such conditions as by following of them and falling upon them!"<sup>1</sup>

Ormond replied in a letter to Digby dated 13 January, 1644. He could see the point of keeping Monro in Ulster but scarcely had the resources to induce him to stay. In any case, there was as much to be said for letting Monro go as for keeping him; for if he were to be well supplied in Ireland, while the Royalist forces were not so, it might turn out to be:

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1. T.C.P., VII, p.188; Gardiner, op.cit., I, pp.248-9

"very dangerous to His Majesty's interests here  
and immediately destructive to his best subjects"<sup>1</sup>

At the same time, it was rather unreasonable to expect the Confederates to send troops to England and Scotland so long as the Scots remained behind to make havoc<sup>2</sup> in Ireland. His task of conciliating the Irish would be made much easier if he could be given power to pardon those Confederate leaders who were willing to return to their allegiance, to confer places of profit and honour upon Irishmen, and to give higher appointments to Protestants who had no reputation for anti-Catholicism. Ormond was already convinced that the best policy for the Crown was

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1. Carte, VI, pp.4-10. Tactfully - or perhaps pointedly - Ormond made no reference to the other means of detaining Monro in Ireland recommended by the King.

2. Whether influenced by Ormond or by expediency, Charles soon came to share this view. As Digby observed in a letter to Ormond dated March 8:

"While they (the Scots) remain in Ireland it is not probable that the Irish would spare any of their men or armes over hether; which, being ridd of that feare, it is probable they may in good numbers, in case wee come to any good agreement with the agents."  
Ibid., p.55.



to exploit the differences between the Old and New Irish, so as to wean the new Irish back to their allegiance. This could not be done, however, unless he were made sole distributor of appointments and honours in Ireland. He insisted the more strongly upon this point:

"for that there hath already something been done in this kinde: particularlye they have been tould by some they believe in, from that side or heere, that a little money given at court would more advantage them then any they could give heere".

Then he turned to a matter upon which he felt still more strongly - the King's habit of employing adventurers of the Antrim type, a habit that never ceased to lead to misunderstandings and needless complications throughout the negotiations with the Confederacy. What Ormond, its principal victim, had to say of the practice deserves to be quoted in full:

"It will make them<sup>(the</sup> Irish) think they have a nearer and more easy way to their ends, then by those in whome His Majestie hath placed his authority, and by whome he expects they should be constrained in obedience, and made usefull to him. And if there be difficulty made to graunt these things, which such an~~y~~ undertaken may make them believe His Majestie is inclinable vnto, though their vnreasonableness in themselves, or the danger that yealding to them would bring on the King, necessitates a denyall or suspension, yet that interruption will be held by them, the worke of the Govern~~or~~, against whome they will then have such

prejudice that whatever he propounds will be suspected and fruitless".<sup>1</sup>

Ormond was to return on a number of occasions to this kind of protest, only to be met invariably with a soft answer, as indeed on this occasion.<sup>2</sup> Digby always sympathised and yet, now and then, he had to announce that the case in question was exceptional and that the King was obliged to grant the office or honour for which he was being petitioned. The most serious instance of this occurred within a few months of this time, when the King conferred the Lord Presidency of Munster on the Catholic Lord Portland rather than on Lord Inchiquin.<sup>3</sup> The sole consequence of this benighted appointment was that Inchiquin

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1. Ibid., VI, pp.4-10. What could be more apt here than Trevor's comment in a letter to Ormond?:

"My lord of Antrim's interest, and how it moves, and in what it points at your lordship, and how this knight (the bearer, Sir Edmond Butler) will acquaint your excellence; for I dare not venture the state of such a question in a paper-boate. And indeed there was nothing that hath been acted here, but hee is an index to the history of Ireland, (that is,) soe much of it as hath been transacted since his taking on in the King's business on this syde the water." Ibid., VI, p.15.

2. Digby to Ormond, Nov.29, 1644, *ibid.*, V, pp.529-32.

3. Presumably this appointment was made to please the Confederates. It is an interesting example of the King's willingness to employ Catholics, despite the disapproval of his Protestant supporters, and it makes the claim subsequently made by the Earl of Glamorgan to be the King's chosen successor to Ormond even less far-fetched.

took Munster with him into the Parliamentary camp.

Ormond could never have made the same mistake, and in fact tried to get any appointment to the presidency deferred.<sup>1</sup>

Another matter over which Ormond had frequent reason for complaint was the King's choice of messengers. These were not mere couriers, but men of some standing who were often given verbal, as well as written, messages. Some of them, indeed, were given special commissions which they themselves were to perform. Quite plainly, it often happened that a gentleman had some reason, personal or public, for passing from one kingdom to the other, and the King or Ormond judged it convenient to use him as a messenger. Daniel O'Neil played this part on several occasions,<sup>2</sup> as also did Will Somers.<sup>3</sup> But one messenger frequently used by the King was neither liked nor trusted by Ormond. This was Sir Bryan O'Neil, cousin to Daniel. When Ormond recorded that he was the kind of man he would deal with only "at stave's end",<sup>4</sup> Digby pointed out that O'Neil was

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1. Ormond to Digby, March 8, 1644, *ibid*, VI, p.54. The King became aware of his error too late and through Digby informed Ormond that they were anxious to find some way of placating Inchiquin, T.C.P., IX, p.290.

2. Cf. the article by D. Cregan published in Irish Historical Studies, II, No.8, pp.398-414.

3. Ormond's personal servant and used a great deal.

4. Ormond to Digby, July 22, 1644, Carte VI, p.177.



the King's choice; he personally would have preferred to use Dick Power, a good Protestant. Ormond's adverse judgment of O'Neil was vindicated in February 1645, when an intercepted letter from O'Neil described him as a knave.<sup>1</sup> Digby's only comment was that he had credited O'Neil with more wits if not honesty.<sup>2</sup>

Ormond met with little success in carrying out the King's various directions. It is true that Monro remained in Ulster, but this was none of his doing. As for the Confederates, they were now awaiting the results of the peace conference, which the King wished to defer, before making any further advances. Ormond had the greatest difficulty in extracting the £30,000 subsidy promised by them for the maintenance of his forces, although this was through no fault of the Supreme Council.<sup>3</sup> And he would appear to have reminded them of their undertaking to find 10,000 troops for the King's service in vain.<sup>4</sup> All they

1. Ibid, VI, p.260.

2. Ibid, VI, p.286.

3. Cf. Muskerry to Ormond, Nov.30, T.C.P., VII, p.410, in reply to one of Ormond's many complaints. He has warned the Assembly of the deleterious consequences upon the King's supporters and themselves of their failure to supply Ormond. The Assembly has resolved to send out strict warrants to delinquent counties.

4. This may be inferred from the fact that Ormond told Digby he intended to do this; Carte, VI, p.19.

would do was <sup>and</sup> to permit the Earl of Antrim to recruit three thousand men for service under Montrose in Scotland ~~and~~ (to provide Ormond with some shipping).<sup>1</sup>

According to the Scots, the Earl of Antrim had come to Ireland as the Queen's agent with the object of effecting a union between the Royalist and Catholic armies and then expelling all parliamentary sympathisers from the country. This was doubtless what Antrim himself had in mind to accomplish, but probably exaggerates the royal interest. What is clear is that Antrim was acting in some capacity on the King's behalf, although he was probably limited to using his influence with the Confederates to further a Cessation.<sup>2</sup> Antrim arrived in Northern Ireland at about the beginning of May, 1643, and fell into the hands of the Scots, who imprisoned him in Carrickfergus Castle. Several futile attempts, sponsored by the King, were made to secure his release. Then, at the end of six months, he contrived to escape and made his way to Kilkenny.

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1. Cf. Castlehaven to Ormond, from Wexford, Nov. 7, 1643; he had been instructed to send ships to Ormond, ~~ibid.~~, T.C.P., xvii, p. 232; see also, Ormond to Nicholas Plunkett, Nov. 27, 1643; it is plain from this letter that Ormond had been hiring ships and seamen from the Confederacy, *ibid.*, p. 375.

2. Antrim left England at about the same time the King ordered Ormond to negotiate a truce, namely, April 23rd (see above p. 82).

3. Cf. Montgomery MSS., p. 324.n; see also J.S. Reid, History of the Presbyterian Church, I, pp. 409-10; see also Hill, *op.cit.*, p. 262.

Antrim's great ambition was to raise an Irish army for Charles I. He was actuated, to a large extent, by a deep sense of loyalty but he also liked to cut a figure and hoped for some dazzling reward, such, for instance, as the Lord Lieutenancy. At Kilkenny, he won over an influential party in the government. His supporters maintained that a powerful mediator at Court would be valuable at a time when they were on the point of sending agents there to treat for peace. Antrim was particularly fitted for this role, on account of his wife's influence in the royal circle.<sup>1</sup> The Duchess had shown them remarkable friendliness and willingness to be of service. It would be foolish to reject her good offices; rather they ought to find some way of expressing their appreciation of her regard, and how better than to bestow some signal honour on her husband, say the title of Lieutenant General of the Confederate Catholics. This, by the way, would strengthen his supporters in Scotland and force some of the Scots in Northern Ireland to return home, thereby lessening the pressure on O'Neil. Their argument did not greatly impress the Council. As Bellings drily observes, it had already

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1. The former Duchess of Buckingham was a Catholic. She is said to have married Antrim because he resembled the late Duke. Whatever her motive, she was a loyal wife and took up permanent residence in Ireland. At this time, she was staying at Waterford.



had too much experience of controlling generals. When, however, Antrim's clique argued that the title only was required, not the accompanying powers, the Council recommended the appointment to the Assembly which, without debate, approved it.<sup>1</sup>

Still afraid that Antrim would read too much into his appointment, Bellings proposed that, as Secretary, he should send the commission to Wexford where Antrim was then staying, together with a letter carefully limiting his powers. Copies could then be placed on record and invoked should the need arise.<sup>2</sup>

Antrim quitted Kilkenny for England in November.

As Bellings had predicted, he intended to appear at Court as the veritable commander of the Confederate Army.<sup>3</sup> In advance, he despatched three propositions to the King. They were - to have himself appointed commander-in-chief of all the Catholic armies; to raise 10,000 troops for

1. Gilbert, III, pp.4-15. The account of this episode given in the Aphorismical Discovery is hopelessly garbled, pp.79-80. Nevertheless, it is of some interest in that it reveals a scheme to have Antrim made Lord Lieutenant.

2. Bellings' precaution was to be justified by the event, ~~see below p.~~ Gilbert, III, pp 9-10.

3. Cf. Radcliff to Ormond, Feb.19, 1644, *ibid.*, p.39: "Lord Digby will not believe but that Antrim is general, and the earl of Castlehaven Lieutenant-general; for so hath the Earl of Antrim resolutely told Lord Digby and the King."

service in England; to raise a further 3,000 troops for service in Scotland.<sup>1</sup> Charles, being dubious of his ability,<sup>2</sup> informed Ormond of his designs on the supreme command and recommended Ormond to thwart them.<sup>3</sup> Nor did he entertain much hope of the 10,000 troops. The third proposition, however, struck him as attractive and feasible. He therefore directed Ormond to afford Antrim all possible assistance, especially credit for raising supplies.<sup>4</sup> There was a risk that such an enterprise against Scotland might impel Monro to transport his army there also, but the risk seemed worth taking and at least it would release some pressure from the Royalists in Ireland.

Trust in Antrim to mount this Scottish enterprise was based on two considerations: first, his ancestry and family background; secondly, the fighting temperament of the men of Ulster, where he planned to recruit his army. Antrim stemmed from the most powerful clan in the Highlands, the Clan Macdonnell, his grandfather having emigrated, with

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1. Carte, III, p. 53.

2. Clarendon conveyed the impression in his account of this episode that the King barely tolerated the importunities of Antrim and Daniel O'Neill but was persuaded to support them by Digby. He also had Digby and O'Neill engage in some very devious play-acting in order to gain this end; cf. Rebellion, III, p. 532.

3. Carte, V, p. 531.

4. Ibid., VI, pp. 20-21.

many followers to Ireland. Relations between the two branches of the family had been maintained and there was reason to believe that Antrim would be able to count on a warm welcome in Scotland. As for the Ulstermen, they were chafing at the suspension of the war and would be ready instantly to take up arms again. They shared in common the language and many of the customs of the Highlanders and could be expected to detect in a Scottish expedition a means of withdrawing Monro's army from Ulster. Moreover, Montrose, then at Oxford, had indicated to the King that the Highlanders were prepared to answer the call to arms.<sup>1</sup> It was obviously sensible to give him all possible additional support.

In his correspondence with the King, Antrim invariably exaggerated not only the number of troops he could recruit but also his own standing at Kilkenny. In truth, he was closely related to a few members of the Council, on friendly terms with several more, and the erstwhile patron of its two principal bureaucrats, Dr. Gerald Fennel and Richard Bellings. Yet his instability of mind and temperament were well-known and the clergy, in particular, were loath to place too much confidence in him. Even Antrim, with his puffed-up pride, seems to have realized this, for he

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1. "The design of ~~uniting~~ visiting the Earls of Montrose and Antrim, which was yet wholly managed with the king by the Lord Digby". Clarendon, Rebellion, III, p.538.



admitted his inability to accomplish anything without the backing of Ormond, which he duly requested.<sup>1</sup>

When he left Oxford late in January, 1644, he was accompanied by Daniel O'Neill, an old and respected friend.<sup>2</sup> Throughout the negotiations between the Court and Kilkenny, O'Neill is ubiquitous.<sup>3</sup> *Persona grata* at Court and with both the Old and the New Irish, nephew of Owen Roe and intimate friend of Digby,<sup>4</sup> he was better fitted, perhaps, than anyone to travel hither and thither on conciliatory errands. Moreover, though not averse from deceit in his dealings with others, he was passionately devoted to the House of Stuart. In 1646 he would be prepared to risk his reputation and his Irish estates to warn the temporary commander of Dublin that his own uncle, Owen Roe, was about to march on the city.<sup>5</sup> It was Digby who drew the King's

1. Digby to Ormond, March 14, 1644, Carte, VI. p.62; with regard to Antrim's reliance on Ormond cf. his two letters, Feb.29, March 2, 1644, T.C.P., IX, p.214, p.224.

2. Clarendon says of their relationship:

"Whether by allegiance or friendship or long acquaintance, O'Neill had more power with the Earl of Antrim than any man, and by the ascendant he had in his understanding and the dexterity of his nature he could persuade him very much -"

*Great Rebellion*, II, p.117.

3. There is a full account of Daniel O'Neill's career as a Royalist agent in an article by Donald F. Cregan in *Irish Historical Studies*, Vol.ii, no.8, September, 1941, pp.398-414.

4. "My speciall deare and intimate freind", Carte, VI, p.21.

5. Daniell O'Neill to the Earl of Roscommon, Sep.1, 1646, *Aphorism Disc.*, I, pt.ii, pp.701-2.

attention to the advantages of sending him along with Antrim, for he could keep a watchful eye and a restraining hand on that optimist, act as a buffer between him and Ormond<sup>1</sup> and use his influence at Kilkenny and with his uncle to ease the path of the mission. The fact that on this occasion and in the future he was prepared to spend his own money no doubt also appealed to the King.

Summoned by the King, before their departure, O'Neill predicted that Antrim would readily muster the troops but would then run into difficulties. These would be occasioned by his own unsteadiness, Ormond's dislike of him and the likely refusal of the Irish leaders to permit troops to quit the country. He, O'Neill, would do his best to see these difficulties surmounted.<sup>2</sup>

At Digby's instigation, the King conferred the title of Marquis upon Antrim<sup>3</sup> and the office of Gentleman of the Bedchamber upon Daniel, who had long coveted it. He consented to let them try their luck, and commissioned Antrim to

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1. In fact, O'Neill seems to have acted as a mediator between Antrim and Ormond.

2. Clarendon, Rebellion, III, pp.539-40.

3. Conferred by privy seal, Oxford, January 26, 1644, Lodge's Peerage, I, p.210.

"... persuade the Catholics in Ireland to send 10,000 men to England, ammunition, artillery and ships. If the conditions offered are too high, to do the best he can to get 2,000 men for Scotland to join Lord Seaforth and Sir James McDonald in falling on the Marquis of Argyll's country. To correspond with the Earl of Montrose, and to attempt to draw General Monro and his forces into the King's service, by promise to him of an Earldom of Scotland, with £2,000 per annum."<sup>1</sup>

He was to try, also, to divide the Supreme Councillors against one another.<sup>2</sup> Yet Digby professed little optimism as to the outcome of the venture when apprising Ormond of it. Perhaps, of course, he wished diplomatically to disarm Ormond's certain annoyance at this fresh employment of Antrim.<sup>3</sup> Antrim might be useful somewhere, he wrote, but clearly not, as he hoped, in the post of Commander-in-Chief of the expeditionary force to England when it materialised. That appointment was, naturally, being reserved for the Viceroy himself.<sup>4</sup>

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L. Gilbert, III, pp.88-90; Clarendon State Papers, II, pp.165-6; Antrim also entered into a formal agreement with Montrose which was witnessed by Digby, O'Neill and Sir Robert Spotswoode. By this, he was committed to invade the territory of the Marquis of Argyll before April 1, 1644. The agreement is printed in Hill, pp.206-7.

2. This would appear from a letter which Daniel O'Neill wrote to Ormond, March 2, 1644, Aphor.Disc., p.571; see below p.152.

3. It was typical of both Charles and Digby that they should be prepared to employ Antrim and to ask Ormond to help him, when he had not only affronted and inconvenienced Ormond but had been unequivocally described by Ormond as feather-brained and dishonest.

4. Carte, V, p.531; see also *ibid.*, VI, p.79.



Antrim and O'Neill arrived at Kilkenny on February 23rd and put their requests<sup>1</sup> to the Supreme Council. O'Neill sought to influence them with the assurance that a favourable response would be the best way of supporting their delegation at Oxford.<sup>2</sup> Antrim was even more explicit; he stated that the provision of 10,000 troops was a necessary pre-condition of the conference taking place.<sup>3</sup> After five days of debate, the Council announced that the provision of the troops depended on the outcome of the Oxford negotiations<sup>4</sup> but that supplies for an expedition to Scotland would be found on condition that Antrim himself raised the men, and that a port in Ulster should be named for receiving them, the Governor of which should be Walter Bagnall.<sup>5</sup> Ormond

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1. These included a request for arms and ammunition for the use of Prince Rupert. Nothing came of it; cf. Prince Rupert to Lords and Gentlemen assembled at Kilkenny, Jan.18, 1644, Carte, VI, pp.14-15; the King to Ormond, Jan.18, 1644, T.C.P., VIII, p.345; the Supreme Council to Ormond; Feb.28, *ibid.*, IX, p.206; same to same, April 15, *ibid.*; X, p.128.

2. O'Neill to Ormond, Aphor.Disc., I, pt.ii, pp.569-70.

3. Gilbert (Bellings), III, pp.6-7.

4. Answer of the Supreme Council to the King's demands for 10,000 men; n.d. Feb.7, 1644, T.C.P., XIV, p.108. This is out of its chronological order in the Transcripts.

5. An order issued by the Supreme Council, Feb.29, 1644, T.C.P., IX, p.207. Antrim may have tried to get the governorship for Bagnall; cf. Radcliffe to Ormond, March 8, 1644, Carte, VI, p.56.

regarded the second condition as a pretext for capturing either Carlingford or Greencastle, ports which the Confederacy had long coveted, and refused to agree.<sup>1</sup> Ormond was evidently so convinced that the Confederates had designs on these two ports that he ordered Lord Moore to strengthen their defences.<sup>2</sup>

In the meantime, Antrim had consolidated his position at Kilkenny. By dint of taking the oath of association, he had become a member of the Council as well as Lieutenant General of all the Confederate troops in the Kingdom on the strength of the King's commission.<sup>3</sup> He was no less successful in speedily raising the greater part of the troops for Scotland, drawing them chiefly from among his own tenants and neighbours. The officers were mostly those discontented with the Cessation.<sup>4</sup> Unfortunately, the Supreme Council was extremely slow in producing the

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1. Ormond to Digby, March 13, 1644, *ibid.*, pp.60-61.

2. Jan.29, 1644, T.C.P., IX, p.36.

3. Gilbert (Bellings), III, p.10.

4. Taaffe to Ormond, April 13, T.C.P., X, p.117; Gilbert, III p.139; Carte, III, p.581. It may be deduced from a congratulatory letter from Digby to Antrim, dated March 14th, that the latter had informed the King of his success and complained about the restrictions put upon his commission. Apparently, he was to receive orders from Montrose and did not like the idea. C.S.P.I., Ireland, pp.392-3.

promised ammunition and supplies, apart from 2,000 weight of powder,<sup>1</sup> despite his complaints about the cost of maintaining the troops and the injunctions and entreaties of Ormond who was perturbed lest the successes of Montrose being reported from Scotland should come to an early end for lack of the expected reinforcements from Ireland.<sup>2</sup> Barry, handling the negotiations for Ormond at Kilkenny, summed up the difficulty of the situation with characteristic wit:

"... more I could not doe though I wanted neither importunitie or impudence, and towards beings soe, (it maye be) drinke was sometymes necessarie, as it was to molifie and incline to kindness the hard hartes of some of the members of the greate Councill."<sup>3</sup>

Ships had been hired by Ormond and were ready to sail on May 12. Disappointed by the delay and alarmed at the rising cost, Antrim announced that he was abandoning the whole enterprise. It would seem that he suspected Ormond of being lukewarm in his support, if not actively hostile.<sup>4</sup>

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1. Supreme Council to Ormond, April 17, T.C.P., X, p.159.

2. He offered to offset the cost against payment of the residue of the money promised under the Cessation; Ormond to Fennell, Mar.6, Carte, VI, pp.48-9; same to Fennell and Bellings, April.22, T.C.P., X, p.190.

3. Barry to Ormond, April 18, *ibid.*, p.181.

4. Cf. Ormond to Antrim, July 10, Carte, VI, p.159, where he says he has heard from several sources reports of Antrim's allegations about his lack of sincerity towards him; see also Digby to Ormond, March 14, *ibid.*, pp.62-3.



He may even have voiced his suspicions to the King, since the King wrote to Ormond on March 12 at first saying that much was to be expected from Ireland as he gathered from the reports of Antrim and O'Neill and continuing,

'only one thing I thought necessary earnestly to give you in charge myself; which is, that you will ~~w~~rite yourself in a strict and entire correspondence with Antrim, and contribute all your power to further him in those services which he hath undertaken; for I find that almost the whole kingdom is so much divided betwixt your two interests, that if you join in the ways, as well as in the end, for my service, you will meet with small difficulties there ...'1

If, in fact, Ormond had wished to sink Antrim, he could have accepted his threat to abandon the expedition, especially as his own original estimate of Antrim's influence had now been justified.<sup>2</sup> As it was, he took great pains to persuade Antrim to persevere with the venture.<sup>3</sup>

8 At last, on June 19th, the troops and munitions were aboard ship and ready to sail, though Ormond himself had to supply most of the powder<sup>4</sup> and the troops numbered not 3,000, but

1. Ibid., V, p.6.

2. On March 25th, a correspondent at Court informed Ormond that the stock of Antrim and O'Neill had slumped 'two shillings in the pound' since the arrival of the Confederate Commissioners; Ibid., VI, p.69.

3. June 1, Ormond to Antrim, *ibid.*, p.139.

4. This must have been a great sacrifice on Ormond's part. Apart from Prince Rupert's request, the King had recently sent over a special envoy to solicit arms and ammunition in the expectation of a big build-up of forces around Chester; cf. Digby to Ormond, Feb.20, 1644, *ibid.*, VI, pp.40-41.

1,600<sup>1</sup> However, they were commanded by three excellent officers, notably Alexander Macdonnell, usually known by his picturesque nom de guerre, Colkittoe. In Scotland, they were to fight splendidly and to make a big contribution to Montrose's brilliant campaign.<sup>2</sup> They constituted, moreover, the only concrete assistance ever afforded the King by the Confederacy.<sup>3</sup> Allowing that this small band consisted of volunteers eager to fight, their gallantry in action makes one wonder what might have been had the mythical 10,000 troops ever sailed for England, especially if they had been commanded by a general of the calibre of

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1. Antrim to Ormond, Jun.27, ibid., p.150. At first a mere 500 in the Aphorismical Discovery account, p.280. It is also claimed by the same questionable authority that "Owen Oneyll did send men, ammunition and all necessaries with his frigats for transportation with them." Ibid.

2. Cf. Clarendon, Life Written by Himself, II, p.246. "It cannot be denied that the levies the Marquis of Antrim made, and sent over to Scotland under the command of Colkitto, were the foundation of all those wonderful acts which were performed afterwards by the Marquiss of Montrose ... and the Marquiss of Montrose did always acknowledge, that the rise and beginning of his good success was due and to be imputed to that body of the Irish which had in the beginning been sent by the Marquiss of Antrim, to whom the King had acknowledged the service in several letters of his own handwriting".

3. Apart from small batches of reinforcements sent later by Antrim to replace their own losses.

Owen Roe O'Neill.<sup>1</sup>

It is, perhaps, too easy to assume that Antrim was both dishonest and feckless. Arrayed against him were Ormond, Digby, Bellings and many others.<sup>2</sup> And yet, it was

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1. There is an inventory of troops among the Ormond MSS. in the National Library of Ireland which indicates that Antrim and O'Neill had been optimistic about raising not 10,000 but 12,000 soldiers. Apparently, Daniel had sent a list of Ormond. The cypher copy is accompanied by a decoded copy that ~~was~~ as follows:

"A List of those yt profer their service to Antrim Earle. Owen O'Neale (sic) with three regiments consisting of 3,000 men all armed. Collonel Preston with a Regiment of 1,000 men halfe arm'd. Sr. Pierce Crosby with one Regiment of 1,000 all arm'd. Sir James Dillon a thousand - all arm'd. James Macdonnell A thousand but 200 arm'd. Hugh Mac, phe 1500 half arm'd. Torlogh O'Corian a thousand half arm'd, besides many more etc." (the cypher copy continues "wch because unarmed I forbear to tell of", and ends - "I have seene the Engagement of some of the Principell in this list sent mee by 310 under their own hands").

N.L.I., Ormond MSS., Jan. 3, 1644-45 - May 14, 1645. The Cypher copy is numbered 223 and the decoded one 227. Presumably these two documents are wrongly placed. They should occur in the volume numbered 2308.

2. And, of course, the King and the Queen. Charles felt grateful for Antrim's efforts. Thus;

"Antrim, I have ever been senciabile of your very hartie affections in my service, and now I find the fruites of them likely prove soe much to the advantages of my affaires, by the forces wch you caused to be landed in the highlands of Scotland. That it chalengeth from me very particular thanks. And as yew have done these soe I make no doubt But if you shall find it requisite for my service, you will not neglect going thither in person. As on my part I shall take care to give you assurances that I am

Your affectionate friend,  
Charles R.

Clarendon, Sep. 27, 1644." Hill, p. 471.





"to use all possible means to encourage and assist the Earl of Antrim, and his forces in the service of Scotland; whereof <sup>we</sup> (the King's party) find ~~e~~ such admirable effects (in England) ~~here~~." <sup>1</sup>

In addition, presuming Daniel O'Neill to be a trustworthy reporter, Antrim had some measure of success in carrying out that part of the King's instructions which concerned sowing seeds of dissension among the Confederates. For O'Neill notified Digby as early as March 2nd,

"that matter (upon my credit) is so well ordered, that it is not in the power of either catholic clergy or Pope's nuncio, Spanish or French to make any party against the King".<sup>2</sup>

At the same time, Daniel described the Supreme Council as being divided in its allegiance between Ormond and Antrim - a division which it is hard to accept.

In this same letter Daniel assured the King that he need not give way to any of the Confederate Agents' demands which he deemed 'exorbitant'. About the same time he <sup>and Antrim</sup> gave Henrietta Maria the astonishing news that the Irish Council had agreed to give her £4,000 per annum and invite her to Ireland.<sup>3</sup> Hearing of all this, Digby informed Ormond with more than a hint of incredulity that ~~O'Neill~~ <sup>they seemed to</sup> 'promised wonders'.<sup>4</sup> In fact it is doubtful whether O'Neill's assurances

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1. ~~Ibid.~~ Carte, VI, p.221.

2. Aphor. Disc., I, ptii, p.571.

3. Trevor to Ormond, Mar. 9, 1644, Carte, VI, p.57.

4. Ibid., p.56.

were taken very seriously at Oxford and not improbable:

"that he was appropriating to himself in advance a little of the credit for the settlement."

which he was convinced would be arranged.<sup>1</sup>

Meanwhile, preparations had been going forward slowly at Oxford, Waterford, Kilkenny and Dublin for a conference between the King and Confederate representatives, as stipulated for in the articles of Cessation. At first the King had put off a meeting with the Confederates.<sup>2</sup> Then, about the end of December, he changed his mind, presumably because it had become only too evident that the Confederacy would otherwise give him no support, and instructed Ormond to hurry over a delegation.<sup>3</sup>

At Waterford, the Third General Assembly had convened on 7th November for the primary purpose of nominating commissioners to wait upon the King with their grievances.<sup>4</sup> The election went smoothly, but afterwards there was a long period of contention.<sup>5</sup> The chosen commissioners were mostly

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1. Ibid.

2. See above p. 130.

3. Digby sent safe-conducts for the Confederate delegation on Dec. 23, Digby to Ormond, Carte, V, pp. 543-4.

4. The Assembly was also to discuss ways and means of increasing pressure against the Scots. It probably dispersed at the end of the month.

5. Gilbert (Bellings), III, p. 2.



Ormondists - Lord Muskerry, Geoffrey Brown, Richard Martin, Dermot O'Bryen, Alexander Macdonnell (not 'Colkittoe', of course, but the Earl of Antrim's brother), Nicholas Plunket and Sir Robert Talbot.<sup>1</sup> On December 19th, a formal request for safe conducts was addressed to Ormond.<sup>2</sup>

Presumably acting on the King's instructions to try to put back the sending of a delegation to Oxford Ormond carefully refrained from giving a reply. Again, therefore, on December 19th, Bellings, on behalf of the Council, protested against the delay and renewed the request for safe-conducts.<sup>3</sup> On this occasion Ormond considered it expedient to make some acknowledgement at once and so he wrote to Muskerry.

Muskerry, who was to lead the delegation and whose influence had become paramount among the peace-making elements at Kilkenny, had asked Ormond, apparently on his own initiative, for advice relative to the propositions which it would be fitting to put forward to the King. Ormond's reply dwelt on the respect they should show to His Majesty and contained a warning that they must not expect an ideal reception, in view of the bitterness

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1. Gilbert, III, p.65. Apparently, when they finally went to Oxford, they were accompanied also by Robert Barry, vicar apostolic of Ross, who represented the interests of the clergy, {Com. Rin.,} II, p.478.

2. Gilbert, III, p.65.

3. T.C.P., ~~VI~~ VII, p.102: Gilbert, III, p.65.

engendered by recent events. For the rest, he suggested somewhat vaguely that they should ask for nothing that the King could not be expected to give, this admirable restraint being what he himself would have practised if charged with a similar weighty employment.<sup>1</sup> In brief, his advice was not of much use, although it is difficult to see what other form it could have taken. It is to be presumed that Muskerry took the questionable course of approaching Ormond, not only because he was concerned, in his moderation, to make the conference with the King a success, but because there was wide disagreement at Kilkenny as to the demands which should be presented, and he believed that Ormond's opinion might carry some weight.<sup>2</sup>

This may be evidenced by the fact that, whereas the safe-conducts were despatched by the Lords Justices on January 1, 1644,<sup>3</sup> the agents did not leave Kilkenny until early in March. In a further letter to Muskerry, dated January 23, Ormond mildly observed that, in view of the ardour with which the Confederate agents had pressed for an audience with the King at the time of the Cessation,

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1. Dublin, Dec. 19, 1643, Carte, V, p.540.

2. Cf. also Bellings' account, Gilbert, III, p.2.

3. T.C.P., VIII, p.273. They did not waste time; Digby had only despatched the safe-conducts on December 23rd. See above p. 153.

he would have thought that they would, by now, have long been in England. As it was, he had to inform them that he had been commanded by the King 'to hasten <sup>(them)</sup> thither'.<sup>1</sup> The difficulty, as on so many occasions, lay in evolving a programme satisfactory alike to the gentlemen of the Pale, the clergy and the Old Irish. Compromise over the objects of their movement became progressively more difficult to achieve with each month that passed, and, in this instance, while the New Irish were willing to accept less than heretofore, the Old Irish would not abate any of their former demands. As it happened, even the requests of the New Irish were to be far in excess of what the King felt himself able to offer and the long debate was thus typical of the interminable, intolerant wrangling that characterised discussions at Kilkenny. The delegation arrived at Oxford on March 23rd.<sup>2</sup>

At the request of the King, a delegation had also to be sent to represent the Protestants in Ireland.<sup>3</sup> For this the King had presumably at least three motives: a genuine desire to hear what the Protestants had to say;

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1. T.C.P., IX, p.16.

2. Radcliffe to Ormond, April 2, 1644, Carte, VI, p.84.

3. As has been pointed out, above p.130, the King gave orders as early as October 17th that several Irish officials should be sent to England to attend any conference which should take place with the Irish Catholics. ~~T.C.P., VII, p.101.~~



the need to appear impartial, as the Sovereign giving ear to a petition from his subjects and passing judgement; and, lastly, the possibility of being able to induce the Confederate Commissioners to modify their terms by holding constantly before them the intransigence of the Protestant agents and his own consequent inability to give way to them. If the King's thoughts did not run roughly along these lines, his decision can only be considered ill-advised, for to invite the Protestants was to run the risk of getting no agreement at all, though the risk was to some extent lessened by the fact that the Lords Justices and Council could be expected to propose the names of fairly moderate people. In the event, they put forward a number of names, asking the King to make his own choice from among them. However, the Dublin Protestants, alarmed that their interests might be neglected, petitioned that they be allowed to send a delegation on their own account. The King, reluctantly perhaps, agreed. On hearing the names of the official delegates nominated, they decided that their interests would, after all, be safeguarded and that there was no need for the special delegation.<sup>1</sup>

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1. Carte, VI, pp.22-3. Professor Coonan infers that Ormond wished the extremists well and sought to curry favour with them, op.cit. p.177. And yet the delegation never even went so far as to embark for England.

A minority of extremists were still dissatisfied, however. On October 1st following on the Cessation, hearing of the Confederate plans to send a delegation to Oxford, they had gathered together at the house of the Earl of Kildare to decide upon their course of action.<sup>1</sup> Shortly afterwards, they had presented a petition to the Lords Justices claiming the privilege of attending upon the King at the same time as the Confederate agents and requesting licence to travel. The Council replied on October 12th that the question of Protestant representation had been taken in hand; they had sent a list of suitable

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1. In a contemporary tract, which has not been previously used, this dissident group described in detail the events leading up to the Oxford Conference as well as the Conference itself as it appeared to their representatives. Although their views on the Irish Catholics were extreme and intemperately expressed, they were remarkably objective in assembling the report. It is a pity that they could not gain access to more information since theirs is the only complete account of the experience of a party at the Conference that we have. Unless another reference is specifically given, it may be assumed that all references to the actions, opinions and statements of this party were extracted from the tract, which is contained in the Royal Irish Academy collection. Box 37. Tract 12, V, 41. The Tract will be referred to simply as Tract.

persons to the King at his request so that he might make his choice from among them. Although there was no precedent for granting the sort of licence they had asked, a copy of their petition was being sent to the King.

At this juncture, a second confabulation took place at Kildare House. The dissidents decided that the representatives likely to be sent to Oxford, would fail to present their particular case strongly enough. They believed that there was precedent for issuing a licence to travel. It also seemed to them that there was a conspiracy afoot to allow the Confederate Agents to get to Oxford first. To safeguard their interests, they therefore elected agents of their own - four apparently - and drew up a petition to the Crown.

Then, on October 19th, they again petitioned the Lords Justices for permission to travel, and delivered a copy of their petition to the King. Again the Lords Justices politely refused. And, apparently on the day following, a 'protestation' was published against the disgruntled petitioners.<sup>1</sup>

The explanation of this treatment may not be far to seek. Kildare and his supporters were obviously crypto-Parliamentarians and they must have aroused the wrath of the sincere Dublin Royalists. There is, besides, some evidence that a few Protestants at least were sufficiently enlightened to wish

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1. Tract.



for peace in Ireland on terms of compromise. This is apparent from the following contemporary report.<sup>1</sup>

It appears that the English Parliament attempted to sponsor, among the Irish Protestants, a petition against making peace. An Irish Protestant, questioned about it by a member of the English House of Commons, replied - as though he were speaking for many more - that peace was necessary. Then, to a large extent, he defended the rebels, while attacking Puritan policy. Nonetheless, he detested Roman Catholicism:

"but you must pardon me if I do not believe the way to remove the Errors, is to destroy the mess, that the way to People Ireland with Protestants, is to cut the throats of all the Papists."

With inexorable logic he exposed the crudeness of the extremist argument:

"Why then must we have no Peace? because they are Rebels: Is that your Proposition? No Rebellion must be extinguished but with the blood and extirpation of the Rebels."

There were many Catholics, he concluded, who had taken to arms with the deepest repugnance but who had been driven to do so by the:

"skill and industry used by some of your friends in England, and some of my friends in Ireland, to improve and continue this Rebellion".<sup>2</sup>

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1. R.I.A., Box 29, Tract 14, Vol.34.

2. Ibid.

If there had been more men in Ireland who could reason with such fairness and humanity, the impending tragedy for the King and the Irish Catholics might have been avoided.

Meanwhile, on November 6th, the King had granted permission for the dissident petitioners to send their own delegation to confer with him. On January 21st, 1644, Sir Charles Coote and Captain William Parsons were also elected to go to England<sup>1</sup>, and permission asked for their attendance. Coote seems to have acted as leader of the party. Ormond and the Council insisted upon examining their instructions. They perused them on March 4th and refused to permit certain items. At about the same time, they ordered Coote and Parsons to take their regiments with them to England<sup>2</sup>. This would seem fairly conclusive proof that they supported Parliament and indicates that their troops were also disaffected.

Intensive patrolling by Parliamentary frigates of the sea lanes between Dublin and Chester delayed the departure of both Protestant delegations<sup>3</sup> and neither had arrived when the Confederate commissioners submitted their proposals on March 28th.

This signalled the beginning of the Oxford Conference which was to last for about two months. The word 'Conference' is perhaps a misnomer when applied to <sup>the</sup> desultory meetings that

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1. Charles to Ormond, Council, Feb. 27, agreed that Parsons and Coote may attend, T.C.P., XIV, p.105.

2. Tract.

3. Ormond to Nicholas, April 2, T.C.P., X, p.64.

took place. There were very few verbal discussions as such and, apparently, on no occasion were all the interested parties assembled together to thrash out matters in dispute. (Indeed, both Protestant delegations towards the end of the Conference were uncertain whether the Confederate agents had departed or not!)<sup>1</sup> The only group which had a clear idea of what was going on was the committee of the privy council charged to deal with Irish affairs. This was obviously considered policy. The committee consisted of Lord Digby, the Earls of Bristol and Portland, Mr. Secretary Nicholas, Sir John Colepepper, Sir Edward Hyde and Cottington, who presided.<sup>2</sup> All handled the negotiations gingerly while Colepepper and Hyde seem to have been unsympathetic to the Catholic case. Hyde, especially, always enjoyed a very low reputation among the Irish.<sup>3</sup> Sometimes, evidently, the business was considered by the whole council under the presidency of Charles himself.

Essentially, the Catholic propositions were designed to secure religious freedom and political independence, to regain at least some of the lands forfeited by Catholic proprietors

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1. Percivall to Ormond, Carte, VI, p.130.

2. Tract.

3. "Sir Edward Hyde and Sir John Colepepper are suspected to be something rigide in the business of the Irish. This from Lord primate, who is yett well." Trevor to Ormond, March 25, Carte, VI, p.70.



during the past eighty years, to guard against reprisals for the uprising, and to insure that the entire settlement should be so enshrined in law as to obviate the possibility of trickery. As regards religion, they demanded the repeal of the penal laws and the right of Catholics to share state appointments. They were perfectly aware that the necessary corollary of religious freedom was political independence and this they intended to acquire through a variety of reforms. First of all, the Irish Parliament should not be subordinated to the superior jurisdiction of the English Parliament. The practice of packing the House with Lords not estated in Ireland should cease. The powers of the Executive should be drastically reduced: thus, conciliar jurisdiction should be strictly limited to matters of state, the tour of duty of viceroys should not exceed three years, and the standing army, the coercive instrument of authority, should be disbanded. The Court of Wards, which was exploited skilfully to extend the power of the State and to convert Catholics in its charge to Protestantism, should be abolished in return for a fixed revenue to be determined by mutual agreement. Concerning land, all titles and grants conferred since the first year of Elizabeth should be reviewed in a free parliament. The Act of Adventurers must clearly be repealed, as well as other acts, attainders, outlawries, etc., promulgated since October 1641. To forestall any reprisals whatsoever there should be a

comprehensive Act of Oblivion. The whole settlement should be embodied in Acts passed by a free Parliament summoned for the purpose, during the sessions of which Poyning's Law must of necessity be suspended. Naturally, they could not agree to dismantle the system of government they had created until the process of enactment had been completed. If the King could see his way to accepting their terms, they would put 10,000 troops at his disposal.<sup>1</sup>

Muskerry described these proposals to Ormond as so moderate and reasonable that the King could surely accept them without prejudice to his situation in England; in any case, they were the very least they could stand by.<sup>2</sup> His view was not shared by the King and his advisers who stated indignantly that the propositions were scandalous to contemplate and that it was pointless to continue on such a basis.<sup>3</sup> If what they stated was true from their point of view, it is nevertheless very doubtful that they wanted the Conference to end thus quickly and pretty certain that they counted upon the Commissioners making a fresh approach. This may be inferred from Digby's appreciation of the way the Conference might turn out for the

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1. Gilbert, III, pp.128-133. The proposals were described as being 'in pursuance' of the Remonstrance presented at Trim.

2. March 29, Carte, VI, p.74

3. Digby to Ormond, April 2, *ibid.*, pp.85-6; Radcliffe to Ormond, April 2, *ibid.*, p.84; Clarendon retrospectively accused the Commissioners of demanding the total alteration of government both in Church and State; Historical View, p.1044.

Royalists. As he saw it, they could not fail to gain, for if it were to end in Peace their troubles in Ireland would be greatly diminished and they would receive reinforcements in England, while if it were to end with no settlement they would have the 'advantage of a very popular rupture'. But if there were to be no settlement, then it was up to him and his colleagues 'to protract and drawe out the treaty to length', so as to be able to use the respite to supply Ormond and the Royalist forces in Ireland.<sup>1</sup>

In spite of the letter to Ormond, Muskerry and his colleagues decided to withdraw the offending proposals and to submit a modified list - the repeal of the penal laws, the summoning of a free Parliament, the annulment of all acts passed by the Protestant rump in the Irish Parliament since the outbreak of the Rebellion, a general Act of Oblivion for all offences committed since that time, the rescindment of all forfeitures of land in Connaught, Tipperary, Limerick, Kilkenny and Wicklow since 1634, and the abolition of the Court of Wards; in return, the promise of 10,000 troops.<sup>2</sup>

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1. Digby to Ormond, March 29th, Carte, VI, p.81. At times it is difficult to tell whether Digby was given to mendacity or entangled in so many tortuous schemes that memory betrayed him. For he was to deny roundly only four months later the allegation that there had been any attempt to detain the Confederate agents at Oxford. Digby to Ormond, Aug.13, 1644, *ibid.* p.195.

2. Carte, III, pp. 99.100



It is hard to see that this marked a major retreat, but the Committee chose to interpret it as such. Radcliffe informed Ormond that the proposals were now neither scandalous nor dishonourable for the King to consider.<sup>1</sup> Digby concurred, adding 'we worke upon these, with some confidence of good successe'.<sup>2</sup> There is no means of confirmation but it may be that the Commissioners' manner was so conciliatory as to take the sting out of their demands. At any rate, optimism was for a short time the keynote and the Committee briskly declared that it would meet every day at 3 o'clock until the business was completed.<sup>3</sup> On April 7th, the first verbal encounter took place. Discussion covered nine particular points.<sup>3</sup>

Shortly afterwards, however, the Conference began to falter in the absence of the Dublin delegations. This was unavoidable. A further impediment should have been foreseen but was not. Many of the Confederate propositions were concerned with the articles agreed on between the King and a deputation from the Irish Parliament in 1641. Unfortunately no copies of these or of the printed statutes of Ireland were available, and Nicholas had to ask Ormond to send some

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1. April 2, 1644, Carte, VI, pp.84-85.

2. April 2, 1644, *ibid.*, pp.85-6.

3. Catholic Commissioners to Bellings and the Supreme Council, April 7, ~~Apr~~ 10, 1644, T.C.P., X.p.100, p.101

over.<sup>1</sup> Nicholas took the opportunity of informing Ormond that the basic differences between the two sides were three: the freedom of religion desired was unreasonable, though the Commissioners had agreed to moderate their demands; the calling of a new Parliament raised many difficulties; and, the suspension of Poyning's Act, for which there was admittedly a single precedent, "it is conceived, may now be of <sup>very</sup> great inconvenience to the king's affaires on that side".<sup>2</sup>

At last the 17th April saw the arrival of the Protestant delegations, which had sailed from Dublin on April 2nd. Coote and his party handed their credentials to Nicholas and were told to attend next day in Christ Church garden at 9 a.m. At that time, they put forward their propositions. These amounted to a broadside assault on the Confederate suggestions and made counter-recommendations which, if adopted, would have increased rather than relaxed the severity of the penalties to which Roman Catholics were liable. Clause 2 was savage:

"That the Popish titular Archbishops, Bishops, Jesuits, Friars and Priests, and all members of the Roman Clergy be banished out of Ireland, because they have been the stirrers up of all rebellions, and while they continue there, there can be no hope of safety for your Majestie's Protestant Subjects. And that all the Laws and Statutes

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1. By the very next day, he had somehow got hold of copies of the printed statutes; Nicholas to Ormond April 16, 1644, Carte, VI, pp.88-9.

2. Same to Same, April 15, *ibid.*, pp.87-88.

established in that Kingdome against popery and popish Recusants may continue of force, and be put in execution."<sup>1</sup>

The very crudeness of this sort of proposal indicates that the main object was to terminate the ~~Peace~~ Conference; it was designed to influence the King and his advisers and Protestant opinion generally rather than to answer the Confederates.<sup>2</sup> Coote, Parsons, and the rest were of the same kidney as Loftus, Cork and the ex-Lord Justice Parsons, that is to say, they stood for spoliation of all Catholic lands and the maximum personal profit. Their aspirations coincided with those of the English Parliament rather than with those of the Royalists and evidence even points to their being in league with Parliamentary agents.<sup>3</sup> In so far as they had any representative rights at Oxford, they depended on the letter of instructions furnished by the small group that had foregathered at Kildare House.

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1. Gilbert, III, pp.143-48; Tract.

2. Digby told Ormond that their propositions stemmed from madness or malice; May 6, Carte, VI, p.109.

3. Some time after the conference was over Digby reported to Ormond: "... and found cleere<sup>y</sup> those fower persons imployed hither to be persons, either corrupt in their loyalty, or fanatic<sup>k</sup> in their vnderstandings; and their upholders and correspondents of Ireland were in an union with the Scots covenanters; and accordinge to this doctrine, I heare their discourses and demeanour are at London". July 22, 1644, *ibid.*, p.175.



Their propositions were sufficiently uncompromising as they stood, but Coote and Parsons chose to flavour them with their own violent spices.

On April 20th, these propositions, together with those of the Catholics, were given to the official Irish delegation<sup>1</sup>, which appears to have travelled over with Coote's party, for their critical comment. The whole matter was then discussed by the committee for Irish affairs. The Committee was dismayed by Coote's propositions, which if published at large, might cause such serious offence to the Confederates as to spark off a resumption of hostilities; this, apart from the fact that they were utterly incompatible with the Confederate proposals and consequently an irremovable barrier to peace. Nor did it believe that they faithfully reflected Protestant Irish opinion.

The King himself granted them an audience on April 25th and tried the effects of sweet reason, giving, incidentally, some indications of the way in which he justified his own dealings with the erstwhile rebels. He pointed out that the conspiracy to revolt had not been general in the first instance, that the gentlemen of the Pale had been forced

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1. Consisting, in the event, of Sir William Stewart, Sir Gerard Lowther, Sir Philip Percevall, and Mr. Justice Donnellan with the addition of Sir George Radcliff and ~~Sir~~ William Sambach who were already in England. Apparently, Radcliff begged to be excused; Ibid., p.84.

into it by his Irish governors, and that the rising might easily have been suppressed had Parliament allowed him to go into Ireland. But no argument could soften their intransigence, which was aggravated by a suspicion that they were being kept in ignorance of the conversations taking place between the Irish Committee and the Confederate Agents and that peace might suddenly be declared as a fait accompli. Hence they took the precaution of asking Nicholas that no final decision should be taken before they had had a full opportunity to state their case and had seen the Confederate proposals. In reply, Nicholas merely said that their various papers were being reviewed by the Irish Committee.<sup>1</sup>

It is in fact quite clear that Coote and his party were being deliberately col<sup>d</sup>-shouldered as tools of Parliament.<sup>2</sup> Indeed, one of the Committee informed them that those who were examining their propositions believed them to have been written by the close Committee of London and wondered that "His Majesty would receive so monstrous a Petition". And when they asked Cottington if they might peruse the 'rebels'' propositions, he blandly claimed that he knew nothing of them,<sup>3</sup> though, as chairman of the

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1. Tract.

2. Cf. Percivall to Ormond, Carte, VI, p.130.

3. Cox, II, p.140.

Committee, he must have studied them in detail. Even the official Dublin delegation, according to their own report, was forbidden to communicate the Confederate propositions to them. Their own explanation of this secrecy was that an attempt was being made to broadcast the impression that the propositions were moderate.

At last, they were allowed to state their case to the Committee. It was badly received. In a message later conveyed by George Radcliffe, the Committee 'let them know how ill they took the height, and unreasonableness of their said Propositions', which he said, neither represented Protestant opinion generally nor faithfully reflected their instructions. If, he continued, they went on being so inflexible, the war must necessarily go on, and as the King could send no relief, the Irish would inevitably destroy them. They replied that they preferred the war to go on, that, as the Cessation still had five months to run, there was plenty of time to arrange for relief. In the last resort, they argued, the Irish Protestants could be evacuated. When Radcliffe asked them how this might be done in safety, they revealed the wilfulness of their position by proposing that the Irish agents should be detained as hostages. Radcliffe was able to point out that the King could not in honour countenance such a thing. Nor was there any certainty that the Confederates would abide by the Cessation if



their propositions were rejected. But Coote and his friends were impervious to persuasion.

As, manifestly, the King dare<sup>d</sup> not condemn their uncompromising attitude out of hand, he made two attempts to win them over. On May 9th, in audience, he asked them frankly what, without peace, could be done for his adherents in Ireland in the absence of any possible relief from England and in view of his inability to allow them to join with the Scots or any group that had taken the covenant. He then gave instructions that they should be provided with a copy of the Confederate proposals. On May 13th, at the Council Board with the Prince of Wales, the Duke of York and the Irish committee also present, he received their answers to the Confederate proposals. Obviously, the King was only concerned to hammer home one crucial point - the possible fate of the Protestants in Ireland, as he put it "if the Rebel Agents should break off their Treaty, which was to be feared they would do; if they had not their Propositions for the most part yielded unto." In answer to this they retorted that firmness would bring the 'rebels' to accept better terms. They had been confidently assured before leaving Dublin that Muskerry had refused to come to Oxford with limited instructions.<sup>1</sup> There could evidently be no meeting of minds here since one side was prohibited

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1. Tract; Cox, II, pp.141-2.

from reasoning logically by the need to conceal its main purpose, namely, the destruction of the Irish Catholics with the aid of the English Parliament and the Scots. Consequently, although verbally outgunned, Coote and Parsons refused to withdraw their propositions, saying disingenuously that they were happy to leave the fulfilment of their desires to the King and Council. On this farcical note the audience ended. They were not summoned again.<sup>1</sup>

An attempt was made to outflank their position by sending both sets of propositions to Ormond with a request that he should test Protestant opinion in Ireland.<sup>2</sup> It could not have been made very seriously since the delegations were allowed to return home before Ormond had had time to reply. Nonetheless, Ormond's experience was informative. He found it difficult to assess Protestant opinion. Parliament would waste too much time in debate and there was no precedent for summoning any other representative body. There remained the group of men who had prepared the instructions for Coote and his friends and who appeared to be in communication with Oxford. Brought before the Council on June 8th and asked the same key question put by the King to Coote, they replied evasively that the

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1. Tract.

2. Digby to Ormond, May 6th, 1644, Carte, VI, pp.109-110; see also same to the same, May 9th, *ibid.*, p.144.

propositions tendered at Oxford accurately reflected their instructions. As to what should be done to alleviate the growing distress of the country, they could only say that it concerned higher policy which they were unqualified to formulate. When, however, Ormond asked one of their number privately whether he honestly believed that the Protestants in Ireland would prefer to see the war resumed rather than withdraw any of their propositions, he replied that he would not. Exhaustive inquiries of council members and others confirmed the accuracy of this answer.<sup>1</sup>

The difficulties of the Irish Committee were aggravated by the conditions for peace insisted upon by the official delegation. Evidence about the individual views of this delegation is confusing. Radcliffe implied that three of them, Sir William Stewart, Lord Justice Lowther and Sir Phillip Percivall, leaned towards Parliament, opposing "the papists more ~~then~~ there was any hope to prevaile".<sup>2</sup> And Clarendon observed that "they knew not how to behave themselves, but so distrusted the Confederates as to want them to be kept under restraint."<sup>3</sup> Whether their comments were entirely justified or not it is a fact that Percivall resented what he considered to be the Catholic bias of the

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1. Ormond to Digby, Jun.8, 1644, Carte, VI, pp.145-6.

2. Ibid., p.147.

3. Historical View, p.1044.



Council.<sup>1</sup> So also, did Inchiquin who was in Oxford during the Conference.<sup>2</sup> It is hard to account for the strength of their resentment in view of the Council's reluctance to give the King any encouragement whatsoever to make concessions to the Catholics. A possible explanation is that they genuinely believed themselves to be objective but could not prevent their deeply-rooted religious prejudice from distorting their judgement.<sup>3</sup> The King at any rate

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1. Cf. his observations to Ormond, Carte, VI. pp.129-31

2. Cf. his account of the negotiations in a report to the House of Commons given in 1646:

"At my being at Oxford, perceiving what I did not till then imagine, that the Irish were so well befriended there as that they were likely to obtain a peace destructive to the well-affected Protestants in Ireland, and very prejudicial to the kingdom of England, as well in relation to the interest the (x) held in that kingdom as to the disturbance the Parliament might receive from thence, I instantly resolved to give all the opposition I could to so mischievous a design..."

C.S.P.I., p.434.

3. Some Protestants experienced such revulsion for Catholicism as a creed and particularly for the Irish Catholics that they would make judgements based on sheer fantasy. A man named Dod, for instance, who visited Oxford in June 1643, informed a committee of the House of Commons that the city was crowded with Irish rebels - 3,000 in all including priests. There could have been precious little evidence to substantiate this estimate. Indeed, one of the 'rebels' mentioned by name was Sir John Dongan, who distinguished himself fighting for the Royalists and in 1646, having returned to Ireland, refused to stay among the Confederates where he had been helping to apprehend truce-breakers, when the Ormond Peace had been rejected (see below p.563 n). And yet Dod's report was probably honestly made, Gilbert, II, lxxvi).

attached no blame to them<sup>1</sup> and Nicholas subsequently described them as having been helpful, able and well-informed.<sup>2</sup>

Their proposals for peace included the disarming of the Irish, the payment by the Irish of all damages incurred during the war, the enforcement of the penal laws and the exemption from pardon of those who had taken part in massacres at the outbreak of the rebellion.

Total disarmament was obviously out of the question since it would leave the Roman Catholics at the mercy of Protestant vengeance, in spite of any official safeguards which might be offered them. In any case, simultaneous disarmament of the Protestant side, as well as acceptance of their minimum terms, was a prerequisite of agreement. Turning to the matter of reparations the Commissioners simply said that they could not pay them even if they wanted to, for they could not dispose of anything like the necessary resources. They were willing to agree to the punishment of those implicated in the massacres provided that Protestants who had slaughtered Catholics after promising quarter should also be brought to book. As for religion, they were willing to modify still further some of their

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1. Cf. Charles I to the Lord Lieutenant and Council testifying to the excellence of their services, June 1, 1644, T.C.P., XI, p.50.

2. Nicholas to Ormond, May 20, 1644, Carte, VI, p.125.

demands but they could never tolerate rigorous enforcement of the penal laws.

Although the members of the Privy Council recognised the moderation of the amended proposals submitted by the Confederate commissioners and that it was incumbent upon the King to accede to them in the present state of his affairs, no one was anxious to declare his opinion for fear of scandalising Protestants everywhere. So acute was the fear of being compromised "that some of the Lords demed to avoid sitting in councell when the business of Ireland was debated."<sup>1</sup> Digby wittily described the situation to Ormond,

"everybody that is faithfull to the King's interests apprehendes the necessitye of a peace, both for the preservation of the protestants in Ireland, and the support of our affayres heere; but everybody alsoe is seekinge, as the ape did, to pull the chesnut out of the fire with the puppye's foote, and to cast off the counsell of granting <sup>the Irish</sup> anything at all to his neighbour."<sup>2</sup>

And Radcliff underlined the situation:

"I am very confident that most of the lords of the councell thought not fit to advise the Kinge, to doe that, which in their private opinions they thought he must doe for the necessity of his affaires."<sup>3</sup>

All the King could do, it was thought, was to promise privately to relax the 'penal laws'.

1. Tract.

2. Carte, VI, p.119.

3. Ibid., p.146.



The King was thus placed in an unenviable position. He desired but dare<sup>d</sup> not conclude peace entirely on his own initiative.<sup>1</sup> If only a few of the Council members had recommended it, he might have been able to pretend that he was acting on their advice. As it was, he was left with no alternative but to reject the Confederate's main proposals as mildly as he could, while exaggerating the generosity of the paltry concessions he was able to offer. On the whole, these coincided with those he had been prepared to make on the eve of the rebellion; they had this much to be said for them - that they satisfied incidentally some of the demands for greater legislative freedom made by the Irish Protestants themselves in 1641. Thus, they would be left on peace to practise their religion provided they did not 'stir up sedition'. They could have a new Parliament and though he would not hear of the annulment of Poyning's Act, he would concede increased legislative independence. He would not, and indeed, could not declare any Acts intrinsically unlawful, but would see to it that they did not suffer from any acts passed since 1641. He would consent to grant a general pardon but must stop short of a general Act of Oblivion since that might appear a condonation of rebellion and there were certain crimes that could not be overlooked.

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1. The kind of pressure with which he had to contend is illustrated by a letter to Archbishop Usher in which he promised not to grant toleration to Papists; Cox, op.cit., p.143.

To all the <sup>lands?</sup>lands mentioned, save those in Kilkenny and Wicklow, he would waive his rights. He would agree to the lifting of incapacities from taking up state office, and to the ~~creation~~ of Inns of ~~Court~~, a University and free schools. Finally, he would award public offices to Catholics, put an end to the oppressions of the Court of Wards and set right any injustice committed in the past.<sup>1</sup> But all these concessions he felt constrained to qualify with contingent restrictions, so that, in essence, he was merely asking the Commissioners to put their trust in his good intentions.<sup>2</sup>

The Confederate commissioners sympathised with the King in his dilemma, realising that the meagre concessions he offered represented the absolute limit to which he felt publicly capable of committing himself.<sup>3</sup> Most of them would privately have accepted them for the time being provided they had his word for more generous concessions at a later and happier date. But they also knew the concessions would appear almost worthless to their compatriots in Ireland. Tactfully and courteously,

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1. T.C.P., X, pp.171-3.

2. About this time, the King must have received a letter from Henrietta Maria, dated Paris, April 21, reporting a suggestion of Lord Dillon that she should write to the Irish Commissioners adjuring them to moderate their demands for the time being and "to assure them that when you shall be in another condition than you are now, that you will give them contentment." Letters of Henrietta Maria, Ed. M.A.E. Green, p.214.

Cf.  
3. Historical View, p.1044; See also Digby's subsequent letter to Ormond, Dec.16, 1644, Carte, VI, p.219.

therefore, they stated:

"that as his majesty's affairs then stood, they believed he could not grant them more, and they hoped that their general assembly, when informed of the truth of his majesty's condition, (which was unknown when the instructions were given) might be persuaded to depart from some of their demands; but as for themselves, they had no authority at present to recede from any of them."<sup>1</sup>

The King was equally concerned not to end the abortive conference on a dissonant note and not to close the door on the resumption of negotiations in Ireland.<sup>2</sup> His final words were these:-

"that if upon those conditions which were all he could grant without prejudice to himself, and which were sufficient for the security of their lives, estates and exercise of their religion, they lost no time in returning to their duty, and assisting him to receive the rights and power of his crown, he should never forget the merit of such a service, and might think himself bound to gratify them in some particulars, not seasonable to be now granted; but if they should insist on others, which he could not in honour or conscience comply with, they would in the end have reason to repent this their senseless perverseness, when it would be too late, and when they found themselves under a power that would destroy them, and make them ~~to~~ cease to be a nation."<sup>3</sup>

The Confederate agents left Oxford on May 22nd<sup>4</sup> and arrived at Waterford on June 23rd. Apparently they

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1. Carte, III, p. 113.

2. It may be that the Conference had to be brought to a premature end because of the approach of Parliamentary forces; cf. Supreme Council to O'Hartegan, Gilbert, III, p. 235.

3. Carte, III, pp. 113-4.

4. Not all, perhaps. According to the Coote report Sir Robert Talbot and Dermot O'Bryen left for Ireland on May 10th; Tract.



faithfully reported the King's parting message to the Supreme Council.<sup>1</sup> A month later on July 20th they made their official report to the General Assembly.<sup>2</sup> It received a chilly hearing. Nevertheless, most of the magnates and a majority of the Supreme Council followed Muskerry's lead<sup>3</sup> in desiring an early settlement with the King.

The official Irish Protestant delegation appear to have started their return journey before June 1st.<sup>4</sup>

On May 30th Coote and his party, who had been cooling their heels since their abortive audience with the King on May 13th and wrathfully speculating what arrangements had been made with the Confederates, kissed the King's hand. Charles told them that he had written to Ormond and that he had a care for his Protestant subjects by whom:

1. Plunket-Dunne MS., Carte's abstract, p.775.

2. This was the opening day of the fourth General Assembly summoned for the very purpose of discussing the outcome of the Oxford Conference and the opening of negotiations with Ormond.

3. The King had been much impressed by Muskerry's friendliness and from now on placed a great deal of reliance on his efforts at Kilkenny. According to one report:

"The King would have made Lord Muskerry an Earl, but he refused it, lest his countrymen should think that he had any self view in the management of this affair." Ibid., p.774.

4. T.C.P., XI, p.50.

"he meant his good Protestants, and not such as did either take or adhere to such as had taken the Covenant."<sup>1</sup>

Doubtless Coote and company were far from being mortified by the rebuke implicit in this leavetaking, for they could congratulate themselves on having helped to insure the failure of the Oxford Conference.

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1. Tract.

## CHAPTER V

### The Earl of Glamorgan and the Plan to raise an army in Ireland in 1644.

Although the Earl of Glamorgan<sup>1</sup> did not appear in Ireland until the midsummer of 1645, his name has usually been associated with Irish affairs as early as April 1st, 1644, the date of a commission to raise troops among the

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1. It is convenient to make use of this title consistently, though Glamorgan was to become the Marquis of Worcester on the death of his father in 1646, and there is some doubt as to the date on which he became entitled to an Earldom. Lord Herbert, to give him his certain title, was probably created Earl of Glamorgan and Baron Beaufort of Caldecot Castle by Charles I some time in 1644 or early in 1645. It is doubtful, however, whether the patent ever passed the Great Seal. Dugdale took no notice of such a creation (cf. E.H.R. October, 1887, pp.687-8) and Beatson reported that it was cancelled in 1660. (Joseph Haydn: Beatson's Political Index Modernised. The Book of Dignities.)

Authority for the title is based on numerous references to 'Glamorgan' both in the letters of Charles I himself to and about Glamorgan and in other correspondence. In particular there is the address employed at the beginning of a patent dated April 1st, 1644, "Edward Somerset, alias Plantaginet, Lord Herbert, Baron Beaufort of Caldecote, Grismond, Chepstow and Gower, Earl of Glamorgan" (see below pp.200-1)

The one undisputed fact about the patent is that it was received in the signet office in 1645. Collins stated "that there is remaining in the signet office a bill under the sign manual at Oxford (if a patent did not pass the Great Seal therein), in order to his being created Earl of Glamorgan and Baron Beaufort of Caldecot Castle in the County of Monmough" (Collins, Peerage of England, I, p.222). It is possible that Charles wished to keep the grant secret until Glamorgan's mission had proved successful when it would have been confirmed.

For a brilliant discussion of the title, see J.H. Round, 'The Earldom of Glamorgan' (Genealogist, N.S. XIV. pp.213-5, April, 1898), in which Round denied the authenticity of the commission of April 1. See also below p.470.



Irish Catholics apparently given him by Charles I. Since this commission could only have been issued as a by-product of the Oxford Conference, it must be discussed at this stage in the narrative. It will also be necessary to anticipate the famous treaty arranged by Glamorgan with the Confederacy on August 25th, 1645, for the commission and the treaty have become so entangled that it is impossible to examine one without the other; some historians, indeed have wrongly placed the commission in 1645 and assumed it to be Glamorgan's authority to negotiate with the Irish.

The Glamorgan Treaty will be described at length in a subsequent chapter. For the moment, it will be sufficient to take note of a few essential facts. Claiming to act on the King's authority Glamorgan agreed to give way to the fundamental demands of the Confederates in return for 10,000 troops to be put at the King's disposal in England. These demands were still regarded as impossibly high by Ormond.<sup>1</sup> Moreover, the King was still maintaining, at least in public, that they were incompatible with his religious beliefs and his conception of sovereignty. The agreement was to have been kept secret pending the despatch of the 10,000 troops to England, but through an untimely accident it was made public much sooner than was intended and its conditions

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1. Who had been negotiating with the Confederacy in the King's name for over a year by the time Glamorgan arrived in Ireland.

were never fulfilled. Even so, both Charles' contemporaries and historians ever since have been passionately curious to know what really happened.

Referring to the Treaty some years afterwards in the course of a letter to Nicholas, Clarendon, then still Sir Edward Hyde, had this to say:

"Yet I must tell you, I care not how little I say in that business of Ireland, since those strange powers and instructions given to your favourite Glamorgan, which appear to me so inexcusable to justice, piety and prudence. And I fear there is very much in that transaction of Ireland, both before and since, that you and I were never thought wise enough to be advised in."<sup>1</sup>

Yet one may examine his monumental work on the 'Great Rebellion' and find no mention of the episode.<sup>2</sup> This is but one of several anomalies relating to Glamorgan's mission to Ireland that have never been satisfactorily explained.

The compelling problem which puzzled contemporaries and which has never ceased to challenge the ingenuity of historians may be put simply: did Charles I empower Glamorgan to arrange a treaty with the Confederacy by offering terms which he publicly avowed to be unthinkable - or did he not? Parliamentary sympathisers refused to

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1. Clar. S.P., II, p.337.

2. Cf. Thoyras Rapin, History of England, II, p.866, who noted this omission over two hundred years ago: "This is not one of the least curious points of Charles I's reign, tho' the Lord Clarendon has thought fit to pass it over in silence". In fact, Clarendon did make a fleeting reference to the subject elsewhere; cf. An Historical View of the Affairs of Ireland, pp.1066-7.

credit his innocence<sup>1</sup>. And in their hearts many prominent Royalists, besides Clarendon, found it difficult to give him the benefit of the doubt.

After his death the part he had played became the subject of excited controversy<sup>2</sup>. Anti-Royalists, and subsequently anti-Jacobites in particular, considered that if Charles could be convicted of treachery in this one instance, then all the other imputations on his character were probably justified. It became incumbent upon Monarchists and, later, upon Jacobites, to prove that Glamorgan had deceived the King, because to keep silent on the subject would appear as a tacit admission that the King's critics were in the right. Thus, Dr. Birch, for example, in 1747 demonstrated the King's undoubted guilt to his own satisfaction<sup>3</sup>, and within a few years, the Rev. J. Boswell attempted to free him from all blame<sup>4</sup>.

Even historians with an open mind on the Royalist question were anxious to implicate Charles in deceit in

1. C.S.P.Ven., 1643-7, p.248.

2. Cf. Annesley's Letter to the Duke of Ormonde, 1681, in which he requested information about Ormond's knowledge of key events connected with the years 1642-7. One of the episodes he wished to know more about was: "The Mystery of Glamorgan's Peace and his punishment".

3. Inquiry into the share which King Charles had in the transactions of the Earl of Glamorgan (London, 1756, second ed.).

4. The Case of the Royal Martyr.



order to justify their belief that he was both a faithless friend and a bad King. J. Lingard had this intention, though he was careful to treat his material objectively.<sup>1</sup> Indeed, it was only towards the end of the last century that an approach was made to the problem in a spirit of disinterested enquiry when S.R. Gardiner and J.H. Round entered into a vigorous dispute in the pages of several learned journals.<sup>2</sup> Since then only five historians have dealt with the subject at any length and four of them have made no reference to the account of J.H. Round, by far the most convincing of those put forward and presented with such an array of scholarship and such skill in close argument that

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1. History of England, 8 vols., London, 1849, VIII, app., p.623.

2. The first salvo was discharged by J.H. Round in 'The True Story of the Somerset Patent 1644' (Academy 8, Dec., 1883). In this article Round alleged that Glamorgan's key patents were forgeries. Four years later S.R. Gardiner presented a novel explanation of Glamorgan's mission based on the assumption that his various commissions were genuine! (E.H.R., 1887, pp.687-704, 'Charles I and the Lord Glamorgan'). Then in 1898 Round returned to the attack with a scathing criticism of many of Gardiner's points and apparently damaging proof that the document upon which Gardiner relied principally for establishing his thesis was a palpable counterfeit. (Athenaeum Jan.15, 1898, 'Charles I and Lord Glamorgan'). A month later Gardiner handsomely admitted that his case had been built on unstable foundations (Athenaeum, Feb.26., 1898). In the Genealogist, April, 1898, Round next discussed the whole question of the Earldom of Glamorgan. However, his most complete account of the entire mission, an account which he clearly intended to be definitive, did not appear until 1901, (Peerage and Family History, pp.367-434). The final reference to the contention was made in a rather pathetic footnote to the 1901 edition of Gardiner's History of the Civil War, in which he wrote: "Last time I was at the museum I began an examination of the Round criticism of my arguments contained in his "Studies in Peerage and Family History", but I had then not time to complete my investigation, and am now too ill to enter into any discussion on the question raised by him" - II, f.n. 1, p.158.

it seems churlish as well as careless to ignore it.<sup>1</sup>

Yet even Round may not have spoken the last word. There are several important factors which he overlooked and it is possible to challenge the validity of some of his conclusions.

The fact that no entirely satisfactory answer to the problem has yet been produced, despite the close and frequent attention paid to it, is chiefly a question of sources and of method. No contemporary chronicler appears to have been acquainted with more than a few facts while Glamorgan himself left no clear account of his negotiations. The Marquis of Ormond could probably have revealed the truth but kept silent. If the King's own statements are taken at their

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1. (a) F. Coonan, The Irish Confederacy and the Puritan Revolution, Dublin, 1954; e.g. "To his (Glamorgan's) credit we have the warrant of March 12, 1645, the authenticity of which all reputable historians admit ...". Round did not!
  - (b) D. Townshend, George Digby 2nd Earl of Bristol, London, 1924; besides making no reference to Round this account is open to factual correction at several points.
  - (c) Lady Burghlere, Life of Ormonde, 2 vols., London, 1912.
  - (d) Miss C.V. Wedgwood in the second volume of her Civil War trilogy surprisingly overlooked Round's brilliant studies. The King's War, 1641-7, London, 1958.
  - (e) Professor A.H. Dodd, Studies in Stuart Wales, University of Wales Press, 1952, referred to Round in a footnote, p.92. Though not concerned to examine Glamorgan's dealings with the Irish in any detail, (a fact which he has confirmed verbally to me) Professor Dodd has made a number of penetrating observations in passing.

face value, he had done nothing reprehensible, and there is an end to the business. If not, and he could not be expected to damn himself out of his own mouth, it is necessary to go elsewhere in search of evidence. The success of historians has varied in proportion with the number of sources available at the time they wrote and with the prejudices and prepossessions they brought to the subject. As already stated, only S.R. Gardiner and J.H. Round were not prepared to sacrifice material which did not fit in with their own sympathies, and even they had not the advantage of certain documents now available.<sup>1</sup>

The interpretations of the evidence relating to Glamorgan's mission may be divided into four groups; those writers who maintain that Glamorgan forged the authorities he produced; secondly, those who believe that Glamorgan carried genuine authorities and zealously obeyed his instructions only to be callously disowned by the King; thirdly, there is the theory of S.R. Gardiner that Glamorgan indeed received genuine authorities at the hands of the King but misconstrued the powers they bestowed upon him, especially by neglecting to submit himself to

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1. Mention must be made of H. Dirck's, The Life and Times of the Marquis of Worcester, London, 1866, who listed his references in no particular chronological sequence and seemed to assume that no interpretation of them was necessary. This was unfortunate, because he had access to several documents at Badminton that would appear subsequently to have gone astray.



the control of the Marquis of Ormond, as he had been instructed; and, finally, we come to J.H. Round who thinks that Glamorgan obtained some credentials from the Crown, but forged others, notably the authority to arrange a treaty. Of these solutions only those of Round and Gardiner have force, since their predecessors either ignored evidence hostile to their theses or had no access to material subsequently available. In the following pages it is hoped to disprove all these theories, to show that Glamorgan was never expected to obey Ormond, and to suggest that the height of his offence, if it can be counted so, was to imagine that concessions which to him as a Catholic seemed reasonable would appear in the same light to his master, the Supreme Governor of the Church of England. In order to achieve this object it is necessary to start at the very beginning with the occasion that first involved Glamorgan in Irish affairs.

That he appeared in Ireland in the summer of 1645 no one disputes, nor is there any question that the purpose of his journey was to perform some service for the King, were it only to persuade the leading Confederates, with many of whom he had acquaintance, of the wisdom of coming speedily to terms with Ormond. What is in dispute is the date on which the King first decided to employ him in Ireland. Was it the 1st April, 1644? - the submission of S.R. Gardiner and most writers who believe in the

genuineness of a commission of that date later produced by Glamorgan and purporting to have been issued by the King. Or was it not until December of the same year? - the view of J.H. Round who contemptuously dismisses the commission of April 1st as a forgery. To determine which of these views is correct we had best examine in the first place the motives which led Charles to employ Glamorgan in any capacity at whatever time in Ireland. We can then turn to a perusal of the disputed commission.

One motive can be eliminated at once. It was not because the King regarded Glamorgan as a brilliant soldier, as the man best fitted to command an expeditionary force, for up to that time Glamorgan had not been a successful General.<sup>1</sup> He had "Command in chiefe in the absence of the Lord Marquis Hertford"<sup>2</sup>(in South Wales and Gloucestershire) during the campaign of 1642-3, and had fairly wide experience of action in the South-eastern Counties, but there is no evidence that he had any remarkable command of the art of war. In a famous engagement with the forces of Sir Edmund Waller before Gloucester in March, 1643, he failed to benefit from a superior tactical position and greater numbers.<sup>3</sup> Though he himself was to claim later on

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1. Cf. Dircks, his panegyrist, p.67 - "In short in his military capacity he bears a most mythical character."

2. Ibid., p.40.

3. A Famous Victory Attained by Sir Edmund Waller against the Lord Rupert and the Welsh Cavaliers, London, March, 1643, B.M., 9512.66.4.

that he<sup>had</sup> played a prominent part in several campaigns and produced a substantial number of troops at Edgehill,<sup>1</sup> the absence of references to his generalship in most reports of military intelligence seems to indicate that his virtue lay in recruiting and victualling troops rather than in deploying them on active operations. This is of course a point in his favour as the would-be organiser of an expeditionary force. Even so, the King might have been expected to exclude Glamorgan from his short list of candidates if he had simply been seeking a military commander.

What did single out Glamorgan for a mission to Ireland was his dual character of devout Catholic and loyal subject of the Crown:

"The Lord Herbert was a man of more than ordinary affection and reverence to the person of the King, and one who he was sure would neither deceive or betray him. For his religion, it might work upon himself but could not disquiet other men. For though he was a papist he was not like to make others so."<sup>2</sup>

His services to the King had been on so lavish a scale that he had once angered his own father, reputedly the richest man in England, by raising a troop without permission;<sup>3</sup> the campaign of 1643 alone had cost him £60,000 according to his own estimate.<sup>4</sup> In addition he had married ~~for the second time~~ Lady Margaret O'Bryan,<sup>5</sup> daughter of the Irish

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1. Dircks, p.328.

2. Clarendon, History of the Great Rebellion, II, p.524.

3. Cf. Warburton, III, p.525.

4. Somers Tracts, V, p.312.

5. His second wife.



Earl of Thomond, owned property in Ireland and was acquainted with some of the Irish nobles. Other considerations further recommended him. His great wealth would enable him to defray expenses from his own pocket, a circumstance of some weight to the impecunious King. Among the King's courtiers there were those who detested the Worcesters for their Catholicism<sup>1</sup>, and from time to time protestant animosity reached such a pitch as to embarrass the family<sup>2</sup>. For instance, it would appear that Glamorgan wished to become President of Wales as a reward for his services. The King was willing to grant his wish but had to decline because of the outcry raised against the appointment<sup>3</sup>. There is a possibility, therefore, that the King may have wished to compensate Glamorgan for the malice borne against him in England by giving him the appointment of Commander-in-Chief of Irish troops, secure in the knowledge that those very qualities tending to give offence in England would appear

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1. In a political tract of 1642 there occurred the following explanation of the Marquis of Hertford's refusal to serve the King: "For that the King hath not only given way to the raising of a Popish army in the North, but hath granted commission to the Marquis of Worcester, a known papist, to be general of the forces in those parts where he is", *ibid.*, VI, p.459; cf. also Warburton, III, p.525.

2. In a letter to Glamorgan, dated December 7th, 1641, the King used these words: "and the rather that you may find out the authors of these lying and scandalous pamphlets concerning your father and you, touching (which) I not only promise you protection to your innocency but justice against those offenders..." Birch, p.351.

3. A. Trevor to Prince Rupert, Warburton, II, pp.399-400.

to the Irish to betoken sympathy and good faith.<sup>1</sup> It was no accident that the Papal Nuncio and his supporters liked and respected Glamorgan, but never ceased to impugn the sincerity of Ormond, whose conduct seems to have been singularly free from duplicity for a man of that century. Whatever critics may say about Glamorgan they cannot deny that he possessed several qualifications requisite in a secret emissary to the Confederacy.<sup>2</sup>

Moreover, there is reason to believe that by 1644 the King had been on confidential terms with Glamorgan

1. It is a strange fact that a rumour was already circulating concerning Glamorgan and Ireland; cf:

"Our Queene is departed from Holland, but wee doe not yet heare of her landing in England. Some doe report she will goe to Ireland, and that the L. Worster goes thither as Viceroy with commission to give the catholique full libertie, and remitte all Plantations." O'Hartegan to Fr. Wadding, Paris, Feb.14, 1643-4, Franciscan MSS., D.I, F.425.

2. Miss Townshend, op.cit., p.106 would include among these intellectual capacity and scientific skill. He was, she wrote, "undoubtedly the first discoverer of the use of steam". It would be interesting to know her exact reasons for making this bold claim.

for some years,<sup>1</sup> that while he may have questioned his competence and the soundness of his judgment he was convinced of his quixotic and steadfast fidelity. Certainly the King had entered into verbal and written correspondence with Glamorgan, to which he gave a conspiratorial gloss, either to beguile Glamorgan or because the topics they discussed were indeed strictly private. No less certainly, he had sought to convey the impression that Glamorgan was the one person to whom he could always turn when troubles came with assurance of obtaining instant sympathy and practical help. Otherwise, what is to be made of this passage from a letter to Glamorgan composed on December 7th, 1641, at Whitehall?

"But certainlie I have juster cause to requyre your attendance; for it is well known, how that you are to give me account of matters, not onlie for my own use, but lykewais for the good of the kingdome".<sup>2</sup>

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1. Cf. "Then young Edward Somerset, heir to the Earl of Worcester, a fine Catholic and loyalist, came one day all excited and asked Cox if he had discussed the oath with the King, as his majesty had veered right round from his former views. Charles, who was very fond of Somerset, had admitted to him in private that the oath as it stood contained a scandalous proposition, and that he had to sympathise with those who refused it. Somerset said that his Majesty previously had looked upon anyone rejecting the Oath as a bad subject and traitor. That the Almighty had driven that idea out of the King's head was the greatest boon the Catholics could have hoped for." Albion, p.270.

2. Dircks, p.33.



Or this extract from a letter despatched on March 6th, 1642, from Royston,

"Herbert,  
Your services are expressed to me in so noble a way, that I cannot but acknowledge it to you under my own hand, and that I shall thinke my selfe very unhappie, if I did not live, by reall testimonies, to express my gratitud to you. For the Blankes<sup>1</sup> I have sent them according to your desyre..."<sup>2</sup>

Again, there was at Badminton a document<sup>3</sup> entitled,

"The effect of the message your Majesty desireth I should deliver my father for your Majesty at Nottingham, the 9th September, 1642."<sup>4</sup>

In his characteristically wordy report Glamorgan stresses the indebtedness to the Earl<sup>5</sup> that the King feels himself to be in, requests a loan of £10,000, which sum would help to further 'your Majesty's designs to a most hopeful condition', holds out the promise of a Marquisate and the garter to the old man, and begs the Earl's advice with regard to some undefined but apparently weighty business. The total impression to emerge is of the King treating Glamorgan as a sympathetic, discreet and helpful confidant.

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1. A significant reference in view of what was to happen later.

2. Ibid., pp.33-4.

3. It may be that Glamorgan fabricated this document for some improper purpose, though in this instance even his most vehement detractors would find it difficult to show what he hoped to gain by it.

4. Dircks, p.44.

5. The Earl became Marquis of Worcester on November 2nd, 1642.

It may be - to look upon the matter cynically - that the impoverished King regarded Glamorgan simply as a reliable source of funds so long as his vanity was flattered and his romantic notions of service and loyalty kept alive, and provided also that the King displayed solicitude for all Catholics and especial sympathy for the family of Worcester on account of the unpopularity and social discomfiture that their religion brought upon them. In fact, though Glamorgan had means of his own,<sup>1</sup> it was his father who commanded really great wealth and extracting money from the old man called for tact, for he was proud and plain-speaking, suspicious of favours and frankly sceptical about the King's honesty. Therefore, in order to tap the wells of the family fortune, it was necessary to ask his son to intercede. Whether the King's intimacy with Glamorgan before 1644 was solely inspired by financial need or not, it had repaid him handsomely, because by that time he had benefited in

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1. He had inherited from his grandfather money and property to the value of £200,000.

money and security to the tune of £300,000.<sup>1</sup> Still, whatever the King's motives, it can be affirmed that

1. A copy of a detailed and imposing account of Glamorgan's services to the King, of which the original in his own handwriting was among the MSS. at Badminton, is to be found in the British Museum (10825.F.9). It is couched in Glamorgan's characteristically diffuse style and was submitted to Charles II in 1660 when Glamorgan was trying to establish his claim to the dukedom of Somerset; cf. Dircks, p.57; Warburton, III, p.55. As a specific example of his father's generosity, confer:

"After the disappointing answers of the Spaniards and the French, Barberini was at last able to record a subsidy he had won from the Queen. It was from the Catholic Earl of Worcester, who offered the Cardinal 30,000 crowns for the cause of the Queen and the Catholics. He insisted, however, on the strictest secrecy, asking Barberini to give the money in his own name".

Albion, p.376.

The Worcester contribution to the King's cause is important for another reason which concerns the mission to Ireland. J.H. Round implies that after the Restoration Glamorgan grossly exaggerated this contribution, such exaggeration being of a piece with his habitual tendency to adorn plain facts, in order to justify his actions or gain reward. (Peerage and Family History, p.380). In view of this allegation it is well to ascertain the precise details of Glamorgan's expenditure. He himself put the total outlay at £318,000. Could this figure be accurate? A minute examination of the references that can be traced suggests that it is indeed accurate, for Glamorgan included in it his father's expenditure, which he rightly regarded himself as being largely instrumental in obtaining. Also, by 'expenditure', he meant the cost of raising and maintaining troops throughout the Civil War, and not merely gifts in money to the Crown. There was also preserved at Badminton a letter from Henrietta Maria to Glamorgan (after he had become Marquis of Worcester) dated May 20th, 1648, in which she stated that he had spent "trois cens soicante et dix mil livres" in the royal cause. (H.M. C.R., MSS. Badminton, p.31). At any rate, the Worcesters were vastly poorer in 1660 than they had been in August, 1642. Thus, in at least one particular, Round overstated his case.



he was long in the habit of corresponding with Glamorgan on confidential terms when the name of Glamorgan makes its first appearance in connection with Irish affairs.<sup>1</sup>

The First of April, 1644,<sup>2</sup> an appropriate day as J.H.Round sarcastically pointed out, was the date of Glamorgan's disputed commission, the first of a number

1. Professor Dodd, op.cit., p.91, draws the same conclusion from the few letters printed by Dircks: "During the months preceding the Civil War he (Glamorgan) was in frequent communication with the King and the letters refer in cryptic terms to more secret verbal communication. It is likely that these came to no more than a promise on Herbert's part of "the loans" out of his father's immense fortune which first enabled Charles to put an army into the field at all, with vague but rosy promises of advancement for the house of Raglan in return; at any rate the position of Lord Herbert as secret agent for the sort of intrigue the King loved so well and handled so ill was already established in Charles' mind."

2. Birch and Dircks ascribed the commission wrongly to 1645. The chronology of Birch and others is frequently at fault. Birch, for instance, has Charles enjoining Ormond to make peace in 1644 instead of a year later. Dircks, who assembled most of the important documents relating to Glamorgan's career, and published his work as recently as 1866, made no attempt to check the dates he employed, thereby lessening the value of what should have been an important work of reference. ~~Errors seem to have arisen because the fact that in Glamorgan's time the year began on March 25th was ignored.~~

of commissions which he later produced.<sup>1</sup> It coincided in time with the conference between the King and the Confederate Commissioners at Oxford and ran as follows:

"Charles, by the Grace of God King of England, Scotland and France, and Ireland, Defender of the Faith, etc., to our right trusty and right well-beloved cousin, Edward Somerset, alias Plantagenet, Lord Herbert, Baron Beaufort of Caldicote, Grismond, Chepstow, Ragland and Gower, Earl of Glamorgan, son and heir of our entirely beloved cousin, Henry Earl and Marquis of Worcester, greetings. Having had good and long experience of your prowess, prudence, and fidelity, do make choice and by there nominate and appoint you, our trusty and right well-beloved cousin, Edward Somerset, etc., to be our Generalissimo of three armies, English, Irish and foreign, and Admiral of a fleet at sea, with power to recommend your lieutenant general for our approbation, leaving all other officers to your own election and discrimination, and accordingly to receive their commission from you; willing and commanding them, and everyone of them, you to obey as their general and you to receive immediate orders from ourself only. And lest through distance of place we may be misinformed, we will command you to reply unto us, if any of our orders should thwart or hinder any of your designs

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1. The Commissions issued to Glamorgan were as follows:

- (a) April 1, 1644 - Authority to raise an army - Dircks, pp.20-2.
- (b) January 2, 1645, Dircks, pp.72-4.
- (c) January 6, 1645. Of this we have only a Latin translation. It was concerned with the levying of troops. On the same day that Glamorgan received his third commission of January 6th, Charles issued a patent giving the Dukedom of Somerset to Glamorgan's father and his heirs. It appears really to have been Glamorgan's reward for the services he was about to render. Com. Riv., II, pp.71-2.
- (d) January 12, 1645. Dircks, pp.79-80.
- (e) March 12, 1645. The commission claimed by Glamorgan as his authority for concluding a treaty with the Confederacy, *ibid.*, pp.80-1.
- (f) April 30, 1645. Letter to the Nuncio in which the King purported to "perfectioner ce que a quoy il (Glamorgan) s'obligere en nostre nom." Embassy, p.104.

for our service. And there being necessary great sums of money to the carrying on so chargeable an employment, which we have not to furnish you withal; we do by these impower you to contract with any of our loving subjects of England, Ireland, and dominion of Wales, for wardships, customs, woods, or any our rights and prerogatives; we by these obliging ourselves, our heirs and successors, to confirm and make good the same accordingly. And for persons of Generosity, for whom titles of honour are most desirable, we have intrusted you with several patents under our great seal of England, from a Marquis to a Baronet; which we give you full power and authority to date and dispose of, without knowing our further pleasure, so great is our trust and confidence in you, as that, whatsoever you do contract for or promiss, we will make good the same accordingly, from the date of this our commission forwards; which for the better satisfaction, we give you leave to give them, or any of them, copies thereof, attested under your hand and seal of arms. And for your own encouragement, and in token of our gratitude we give and allow you hence-forward such fees, titles, preheminences, and priveleges, as do and may belong unto your place and command above-mentioned, with promise of our dear daughter Elizabeth to your son Plantaginet, in marriage, with three hundred thousand pounds in dower or portion, most part whereof we acknowledge spent and disburs'd by your father and you in our service; and the title of Duke of Somerset to you and your heirs male for ever; and from henceforward to give the garter to your arms, and at your pleasure to put on the George and blue ribbon. And for your greater honour, and in testimony of our reality, we have with our own hand affixed our great seal of England unto these our commission and letters, making them patents. Witness ourself at Oxford, the first day of April, in the 20th year of our reign, and the year of our Lord, one thousand six hundred and forty four.<sup>"1</sup>

The Commission raises four questions. Was it genuine?

If so, why was it given at this time? What was the extent of the powers which it bestowed? Why was it kept secret?

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1. Collins, Peerage of England, I, pp.72-73, 2nd edit., London, 1741.



Most writers have seen no reason to doubt its authenticity, although many such as Bagwell, the historian of 17th century Ireland, found it an 'extraordinary' patent.<sup>1</sup> Rinuccini, the Papal Legate, constantly expressed his fears about the King's sincerity, but accepted, albeit cautiously, Glamorgan's credentials. J.H. Round, however, rejects the commission as an impudent forgery.<sup>2</sup> Should his judgment be sound, there is no point in further discussion. It is essential, therefore, to try to reach some conclusion as to the value of the document despite the complexity of the evidence relating to it and the closeness of Round's reasoning.

For all their clarity and verve Round's two principal articles are marred by acerbity and an overriding determination to reduce to tatters the arguments of S.R. Gardiner, to which they are in the nature of a challenging refutation. The result is that he sometimes appears to concentrate more upon rebutting speculative points raised by Gardiner than upon the words of the documents themselves. This is specially true of his attitude towards Gardiner's main thesis, namely that the King's situation in the spring of 1644 substantiates the theory of what he calls a 'Grand Design' to bring troops from Ireland and the mainland of Europe. Gardiner goes on to argue in this fashion. Charles is optimistic about the outcome of the Oxford

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1. Ireland Under the Stuarts, II, pp.84-5.

2. Peerage and Family History, pp.367-395.

negotiations and will shortly need, or so he believes, a commander for the Irish troops. Such a commander has to be simultaneously acceptable to himself, to his Protestant Counsellors and to the Irish Confederates. Glamorgan is the obvious choice.<sup>1</sup> Round dismisses this line of reasoning, arguing that the commission was forged, albeit based upon genuine commissions issued in the next year at a time when a 'Grand Design' was on the stocks. Now Round is unquestionably right to dismiss Gardiner's arguments as Gardiner himself tentatively admitted later on, but this has no bearing on the document itself, which makes no allusion to any 'Grand Design' - unless, that is, we are to equate the one word 'foreign' with a 'Grand Design'. This is but one of several objections that Round makes to the genuineness of the document. We shall consider the remainder in the order in which they occur.

First, he refers to the 'absurd phraseology'.<sup>2</sup> But other commissions whose authenticity he accepts were likewise absurdly phrased. In any case, to write of eccentricities of language in a document which was supposed to be absolutely secret is to beg the question. For had the King desired to keep his dealings with Glamorgan a secret even from his

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1. E.H.R., pp.690-1: Athenaeum, Feb.26, 1898-1, pp.278-9.

2. Early writers, among them Carte and Boswell, also questioned the authenticity of all Glamorgan's patents on the grounds that they were improperly drawn up, couched in uncourtly language, and unknown to anyone except Glamorgan himself.

Principal Secretaries - and they were at a later date indignantly to deny any knowledge of them<sup>1</sup> - he would have been obliged to draw up the commissions himself or to allow Glamorgan to do so.<sup>2</sup> The latter's style was habitually turgid and given to fantasy, so that it was to be expected that any document drafted by him would be 'absurdly phrased'. Nor, for that matter, was the King's own use of language notable for its simplicity and directness, assuming that he himself was the author. Indeed, in a sense, the maladroitness of this and other commissions argues in their favour.

Next, Round states,

"I pass over the pertinent inquiry how, when the great seal was in the due keeping of Lyttleton, it came to be in Glamorgan's hands for this irregular purpose."<sup>3</sup>

This presupposes beyond any reasonable conjecture that the Great Seal never strayed out of Lyttleton's hands. Yet there is some doubt on this point. Three pieces of evidence would seem to suggest that there were occasions when persons other than the Lord Keeper had the Great Seal

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1. See below p. 435; see also app 1.

2. That is to say, either Charles or Glamorgan would have decided the wording of the commissions. The actual writing could be left to Glamorgan's secretary. It is perhaps significant that Glamorgan should have informed the papal nuncio, Rinuccini, that all these honours and powers, to which Round takes exception, had been bestowed upon him under the King's hand and Seal - Birch, f.n., pp. 22-3; Com. Rin., p. 72.

3. Peerage and Family History, p. 385.



in their custody. With reference to another commission Glamorgan was to say in 1660 that he and Endymion Porter had contrived to affix a seal to it in an irregular manner.<sup>1</sup> In 1660 Porter was dead. The choice of his name as an associate was therefore either very clever - and cleverness is not usually attributed to Glamorgan, particularly by Round - or an extraordinary stroke of good fortune, or else an expression of the simple truth, for it was commonly believed that the Great Seal had been in Porter's possession when the King was in Edinburgh<sup>2</sup> and again at least for some time in the autumn of 1642<sup>3</sup>. Again, in the message which Glamorgan conveyed to his father from the King, mentioned above,<sup>4</sup> there occurs this passage,

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1. Dircks, pp.227-30. Miss D. Townshend, George Digby, p.107, wrote that Porter "had already more than once done the same job for the King", but unfortunately neglected to cite any authority.

2. B.M., 176/25, p.38, 1643.

3. Cf. The Censure of the Earl of Berkshire by the Lords in Parlt, (Coll. of Pamphlets, B.M., E.118.) with reference to the commissions which some of the Irish rebels claimed to have received from the King. The Lords expressed the pious hope:

"that if any such commissions are, they have been obtained by some sinister meanes without the knowledge or privity of his majesty; Sir Endymion Porter (not being a sworn officer and one that is disaffected to the King and Kingdome) having for divers months together had the custody and possession of the great seal of England.

Great cause therefore had the Lord Keeper to make some excuse For himselfe, by signifying unto the Parliament..."

4. pp. 9-196

"... and also having the Great Seal in your Majesty's own custody, you would pass a patent of Marquis of what ever title my should desire."

This also was written during the Autumn of 1642, in September. It is of course possible that Glamorgan and Porter collaborated in manufacturing some of the former's commissions, but even in this event they may have done so with the King's knowledge. Otherwise, apart from this coincidence of dates and Glamorgan's reference to the affixing of the seal, there is no record of any further connection between the two men. Thus here we have Glamorgan associating himself with the one man who appears to have had the seal in his possession in 1641 and 1642. If he had had it in those years, why not in 1644? It is to be remembered also that Porter had Catholic connections and died a Catholic, and that from the time of the King's visit to Madrid when the King was still Prince of Wales, he had lived on exceedingly intimate terms with the King frequently carrying out delicate and private missions on his behalf.<sup>1</sup> In short, it is open to doubt that the Great Seal was always in the due and proper keeping of Lyttleton.

As to the matter of the dukedom granted at the end of the commission, Round asks why, if the commission were genuine, the King should have found it necessary to issue

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1. Dorothea Townshend, The Life and Letters of Endymion Porter, p.19; G. Huxley, Endymion Porter; the life of a courtier, London, 1959, passim.

another patent on May 4th of the same year conferring the same dukedom on Glamorgan.<sup>1</sup> In answer to this query it can only be said that there was surely nothing strange in issuing a formal patent to regularise and supersede a grant made, as Round himself puts it, at the tail of a complex commission.

The garter given henceforward also at the tail leads Round to imply - presumably he considered his point too obvious to require an explicit statement - that here is yet another odd contradiction, since the garter is shortly to be offered to Glamorgan's father on August 2nd, 1644.<sup>2</sup> How could it be offered to the father when it had been already given to the son? S.R. Gardiner, noticing this difficulty, was of the opinion that the Marquis resented the granting to his son of honours not possessed by himself.<sup>3</sup> This would seem a natural reaction, the justice of which would appeal to Glamorgan. Why then should he not have requested the King to withdraw the grants made to himself

1. Op.cit., p.389; at the Restoration, Glamorgan, by now Marquis of Worcester, produced a patent under the Great Seal which apparently conferred upon him the title of Duke of Somerset and Beaufort. Historians, beginning with Birch, assumed this to be the commission of 1644 under discussion. Round proved conclusively that this was not the case, op.cit., p.370; see below p.695.

2. Ibid., pp.389-90.

3. E.H.R., pp.693-4.



and bestow them instead upon his father?<sup>1</sup> After all, the Marquis was paying the piper and may well have insisted on calling the tune. In any case, was there any reason why the garter could not have been granted to both father and son?

Round comes next to his strongest point. In both this commission and the dukedom patent of May 4th, the Lord Herbert is styled 'Earl of Glamorgan', although as he, Round, has shown in an earlier article<sup>2</sup> Glamorgan is nowhere else so described before 1645. The question arises, how could the title of Glamorgan appear in documents one year before the title was granted unless those documents had been forged at a later date? By way of answer it can first be iterated that just as all Glamorgan's commissions were issued secretly so was this title. Consequently only the King would be likely to use it in 1644 and then only in the most secret correspondence. And the safets plan would be not to use it at all. It is significant that throughout 1645 the King uses the addresses of 'Herbert' and 'Glamorgan' as

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1. The King's choice of words in the course of the letter to the Marquis dated August 2nd would seem to bear this out:

"...In the meantime, finding your son so much more desirous that there should be placed upon you some mark of my favour rather than upon himself, I have thought fit to let you know that as soon as I shall confer the Order of the Garter upon any, you shall receive it as a testimony. You, etc." Dircks, pp.102-3.

2. Genealogist, April, 1898.

though they were interchangeable, and that in 1646 he denied ever having granted the title in the face of his own frequent use of it. Moreover, there is among the Stuart Papers at Windsor Castle a patent dated April 10th, 1644, and signed 'Glamorgan',<sup>1</sup>. It is true that this may have been forged and ingeniously given a retrospective date, but, if so, it is difficult to see what Glamorgan hoped to gain by such malpractice. At least it seems fair to conclude that Round's deduction does not necessarily follow from the facts.

The proposal of a match between Glamorgan's son and the Princess Elizabeth<sup>2</sup> is surprising to say the least, but it would seem nonetheless to be corroborated by this passage which occurs in a letter from the King to the Marquis of Worcester dated January 6th, 1645:

"As by a match propounded for your grandchild you will easily judge. The particulars I leave to your son Glamorgan his relation."<sup>3</sup>

January 10th was a likely time, Round states, being,

"More than nine months after the date of the alleged patent assuming (not propounding) that "matche" under the Great Seal."<sup>4</sup>

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1. Calendar of Stuart Papers, p.1.

2. The Princess was in the hands of Parliament at this time and could scarcely have known of any proposal to bestow her hand in marriage. I have carefully examined the exiguous records of her short life without finding a single reference to such a match.

3. Dircks, pp.103-4; S.R. Gardiner takes this passage to be a further point in favour of the Commission being authentic. E.H.R., 11, p.697.

4. Op.cit., p.391.

This would seem a weak point. Is nine months really such a long time, especially since Charles appears to have corresponded only once with the Marquis, namely on August 2nd, 1644,<sup>1</sup> during the whole of that period? As for 'assuming' the commission no more than 'promises',<sup>2</sup> which is not so very different from propounding.

Round's final point<sup>3</sup> is that Glamorgan's inglorious military record scarcely accords with his being appointed "Generalissimo of Three Armies", etc., and with the lack of faith the King was about to express in his judgment.<sup>4</sup> To these criticisms one can only reply that the King did intend Glamorgan to command an expedition against England, and that we know this from other evidence which Round himself does not reject.

The object of the foregoing commentary upon the case against the commission so vigorously argued by Round is limited to showing that what emerges at first sight as irresistible does not stand up so well when the essential stages in its development are isolated and exposed singly to criticism. In short, there is no compulsion to refrain from discussion of the commission just because Round appears

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1. See ~~below~~ p. 212.

2. It is perhaps a trifling point but Charles frequently uses the word 'promise' in a conditional rather than an obligatory sense. Thus one questions whether he personally would have made any distinction between 'promise' and 'propound'.

3. Op.cit., p.392.

4. Charles I to Ormond, Dec.27, 1644, Carte, V, pp.7-8; Gilbert, V, p.8; see below p.261.



to have proved it fraudulent.

To begin with, there is one relevant fact that Round's all-seeing eye overlooked. On the very first two pages of the first volume of the Calendar of Stuart Papers preserved at Windsor Castle, published in 1902, there appears what is described as a true copy of this commission.<sup>1</sup> Round might have been hard pressed to account for its appearance in the Royal collection.<sup>2</sup> It is suggested in the Introduction to the Calendar that the commission came into the hands of James II or<sup>III</sup> when a descendant of a certain Sir Richard Minshull, who had apparently been created a viscount by Glamorgan on April 3rd, 1644, by virtue of this commission, sought to claim his title.<sup>3</sup> If this were so, far from being weakened, Glamorgan's commission would be strengthened.<sup>4</sup>

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1. Professor Dodd also notes this point (op.cit., p.92, n.3): "Round's denunciation of this document as a "preposterous" fabrication of Glamorgan does not take into account the copy in the King's private papers (subsequently calendared in H.M.C., Stuart 1 - 2) to which Glamorgan can hardly have had access, nor of the accompanying patent which shows how soon he began using his new powers. If this crucial document is authentic, Round's wholesale rejection of other documents in the case may need reconsideration."
2. Of course, Round must have seen it but presumably chose not to re-open the subject.
3. XXIX-XXX.
4. See below p.213.

Moreover, suppose it were possible to adduce evidence to indicate that after the miscarriage of the Oxford negotiations the King did not, as is generally believed, abandon the plan to raise an Irish army with Glamorgan at its head. Would not the repute of the commission be strengthened? Such evidence does exist.

For instance, this letter, dated August 2nd, 1644, from the King to the Marquis of Worcester, requires explanation, although attention has not previously been drawn to it:

"Worcester,

I am sensible of the great affection which you and your son have expressed unto me, by eminent services, and of the means he may have of doing me more in that way wherein he is engaging himself, that I cannot choose before his going..."<sup>1</sup>

To what was Charles referring in expressions such as 'means' and 'his going', if not to the project of raising an army. The suggestion has not been made before, but is it not possible that Charles still hoped that Glamorgan would be successful in raising the desired army, and that ever since April 1st, Glamorgan undeterred by the breakdown of the Oxford talks, had been making the essential preparations? Three facts support this contention.

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1. Dircks, pp.102-3. The rest of the letter was concerned with the conferment of the garter on the Marquis.

First, contrary to the accepted view that he did not avail himself of the powers contained in the commission of April 1st until he disembarked in Ireland, there is the patent issued by Glamorgan on April 3rd to Sir Richard Minshull, creating him Viscount Minshull, presumably in expectation of services to be rendered in return.<sup>1</sup> Secondly, in a letter to the King written in the following March, just before he set sail for Ireland, he said:

"That to advance these his undertakings, he hath Thirty thousand pounds ready, ten thousand muskets, two thousand case of pistols, eight hundred barrels of powder, besides his own artillery; and is ascertained of Thirty thousand more which will be ready on his return."<sup>2</sup>

The criticism may be voiced that Glamorgan was as usual lying or at best indulging his passion for hyperbole.

On this occasion, at least, he was culpable of neither fault, for not only was he quoting figures which the King would be able to verify in the event of his mission being successful, since the Irish army would be fatally under-equipped if no stores awaited when it disembarked in Wales, but in a letter to Ormond, dated April 3rd, 1646, he would offer,

"to immediately give and bring back with him ... 10,000 muskets, 2,000 cases of pistols, 8000 barrels of powder."<sup>3</sup>

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1. Calendar of Stuart Papers, p.1. This patent is to be found with the copy of the commission. See above p.24.

2. 'The King's Cabinet Opened & c', Harl.Misc., V, pp.530-1.

3. Gilbert, V, p.309.



and again on July 19th, 1646, he would contract to the Nuncio to supply a similar amount.<sup>1</sup> The repetition of the same quantities of the same stores three times rings true. It is also in his favour that his father's castle at Raglan was a notorious cache of arms, functioning as a sort of depot for the bulk of the royalist forces in South Wales and the adjacent border counties.

In seeking evidence to support the commission of April 1st, Gardiner either overlooked this letter or missed its significance, for to amass such large supplies must have been an expensive and, so far as the present argument is concerned, a protracted business. This could explain that delay in Glamorgan's departure for Ireland which Gardiner and others adduce as proof that Glamorgan could not have been engaged on the King's behalf else he would have sailed for Ireland sooner than he did.<sup>2</sup>

This theory that Glamorgan delayed his departure for Ireland in order to prepare Wales for the reception of an Irish expeditionary force is supported by circumstantial evidence brought to light by Professor Dodd. He points out that serious Royalist reversals in the North and South in the Autumn of 1644 made Wales "no place for the landing of substantial forces from overseas".<sup>3</sup> In order to press on with his plans Glamorgan had first to clear Monmouth

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1. Dircks, p.174.

2. E.H.R., pp.700-1.

3. Op.cit., p.93.

of hostile troops, and it is suggested that this operation occupied his attention during the winter months<sup>1</sup>.

In the Calendar of Domestic State Papers<sup>2</sup> and in a work by N. Ponder<sup>3</sup>, there are two references to Glamorgan's presence in Monmouthshire in the second half of 1644 and a specific reference to a skirmish before Gloucester on October 13th, in which he took part. These appear to be the only extant indication of his whereabouts between April 1st and the last months of the year<sup>4</sup>. Considered apart from the letter of August 2nd, above mentioned, they suggest that Gardiner is right. Glamorgan had been forced to abandon his plan for Ireland and had automatically returned to his former place with the King's forces in South Wales. But taken in conjunction with the same letter, they signify nothing more than that Glamorgan was in the Monmouth area, which is exactly where we would expect him to be if he were raising supplies; that is, in his own special territory. His being involved in a skirmish is not surprising, if the

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1. Ibid, p.91.

2. p.31.

3. Memorials of English Affairs, 1682, pp.102-110.

4. It appears from a letter, dated August 23rd, 1644, from Glamorgan to Prince Rupert, that Glamorgan was indisposed for a period during these months, "...though I have the ambition to kiss your most valorous and princely hands, yet because I am newly entered into a cause of physic, I do humbly desire to be excused for the present..." Warburton, III, p.22.

fluid state of the war in South Wales and the likelihood of colliding with enemy patrols be remembered.<sup>1</sup>

Thirdly, there are convincing signs that the King had for some time envisaged a military operation based on a strategic union between Irish and Welsh forces. As early as 1639, at the time when he had hoped to bring over Strafford's army to put paid to the Scots, he had issued a secret commission to the Earl of Worcester empowering him to command an army and had ordered several deputy lieutenants of the neighbouring counties to submit to his commands. Wales was the obvious landing place for troops from Ireland, but it was necessary to insure a friendly welcome for them. It was probably intended, therefore, that Worcester should occupy and dominate South Wales, so that Strafford's forces could disembark in safety and then link up with his own command.<sup>2</sup>

If this had been the plan in 1639, it would have been remarkable if the same plan had not occurred to the King early in 1644 - that is to say, at some point between the failure in the North-West of the army sent over by Ormond

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1. Of course, if Professor Dodd is correct to suggest that he was engaged in clearing Monmouth of hostile troops, this is precisely the kind of encounter that would be reported.

2. C.S.P.D., 1640, pp.631-2; Transactions of the Honourable Society of Cymmrodorion, 1948, p.50; Dodd, p.81, p.86, and pp.90-1; see also "...Committees were formed to investigate the 'Welsh Popish armie and the popish Hierarchie' - the former a force raised in Ireland for the King's service by the Earl of Worcester and his son, Lord Herbert, Catholics both." - D.'Ewes, p.324.



and the arrival in Oxford of the Confederate Commissioners. This would seem to be the belief of Professor Dodd. Put briefly, the plan would have been for Glamorgan to raise his troops in Ireland, return to South Wales, disembarking, say, at Milford Haven, and to join forces with a contingent, mainly Catholic, from the Monmouth area, which he was to have recruited and for which he was to have built up supplies before his departure. Charles was to move his main army into Wales.

Three items of evidence may be put forward in support of this theory of a grand strategic plan for the union of Irish and Welsh. First, there is Glamorgan's own statement<sup>1</sup> contained in a message sent to the King on the eve of his departure for Ireland in 1645:

"...God willing, by the end of May or beginning of June, he will land with 6,000 Irish.

That the gentlemen of the several counties of Monmouth, Glamorgan, Brecknock, and Carmarthen, will very speedily, for your Majesty's service in securing these parts, raise and arm four thousand men.

That with the ships, which shall bring over the Irish, his Lordship designs to block up Milford haven, at which time he doubts not to draw these Welsh into Pembrokeshire.

That to advance these his undertakings he hath thirty thousand pounds ready, ten thousand muskets, two thousand case of pistols, eight hundred barrels of powder, besides his own artillery; and is ascertained of thirty thousand pounds more, which will be ready upon his return."<sup>2</sup>

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1. Admittedly this is ex parte evidence.

2. Harl. Misc., V, pp.530-1.

Secondly, the old Marquis of Worcester seems to have anticipated such an operation.<sup>1</sup> Thirdly, when in the next year Glamorgan had sailed for Ireland the King moved with an army into South Wales as though expecting his return with an Irish force.<sup>2</sup>

There is also one tangible connection between Glamorgan and Ireland in the autumn of 1644. His uncle-in-law, Barnabas O'Brien, Earl of Thomond, excusing himself to Ormond on September 30th for being unable to attend "a conference in Dublin to discuss peace terms with the Confederates, stated:

"Yet I humbly desire that you will be pleased to take into consideration that on Saturday last, receaving some letters (by my Lord Herbert's man) from my Lord Muskerry ... I have therefore embouldened myselfe soe farr to presume on your Lordship's favour as to crave leave for my absence (whereby to give the best contentment I may to my Lord Herbert in his desires signified by his servant, which without some time I cannot possibly accomplish) till towards Allhallowtide".<sup>3</sup>

Now it is obvious from a letter sent by Ormond to Viscount Muskerry in the next year that the Earl of Thomond's estate was one of the sources from which Glamorgan expected to obtain money to finance the expedition that no one doubts was being planned at that time. It is

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1. There was an acidulous exchange between the old Marquis and the local parliamentary commander in May, 1646, in the course of which he darkly hinted that his antagonist would shortly rue his insolence when his son arrived. Cf. the Marquis of Worcester to the Governor of Chepstow and the rest of the Committee for the Parliament for the County of Monmouth, Ragland, May 29, 1646, Coll. of Pamphlets, 1646, B.M.E. 340.  
 2. See below pp. 296-7; see also pp. 361-4.  
 3. Bunratty, T.C.P., XI, p. 249.

perhaps not straining coincidence too far to deduce that his business with Thomond in the autumn of 1644 was connected with the same matter,<sup>1</sup> especially as Muskerry, the leader of the delegation to Oxford had something to do with it.

It is, moreover, imperative to emphasize the date of this commission. April 1st was one of the very few days in the whole of 1644 when the King might have counted with justifiable expectation on receiving troops from Ireland, that is to say, one of the few days between the auspicious opening of the Oxford conference and the emergence of impossible obstacles.<sup>2</sup> It is a fact to be noted again and again that Glamorgan, whose opponents are obliged to depict him as a maladroit conspirator<sup>3</sup> in order to bolster their argument, displayed an uncanny knack for giving his forged documents convincing dates.

There is one more fascinating piece of evidence which deserves mention and which seems so far to have gone unnoticed.

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1. See below p. 336.

2. Cf. Radcliffe to Ormond, April 2, 1644, Carte, VI, p. 84: "There is nothinge that is scandalous now, nor dishonourable for the King to treate on. I heare by another hande, not so good, I confesse, yet reasonable good, that wee shall have peace, and that they will submit much to the King!". Gardiner dwelt at some length on this point.

3. It is, in fact, difficult to endow Glamorgan with an orderly mind. But, then, if he is believed to be innocent of guile, there is no call to do so.



It happened that a gentleman named Mark Newbie, a Londoner, who in 1681 emigrated to America by way of Ireland, suddenly offered in 1682 to sell a quantity of copper coins to the governors of New Jersey. His offer was accepted and the coins were put into circulation. Outside America there has been no trace of these particular coins except in Dublin and Kilkenny. Subsequently numismatists ~~have~~ laboured to account for the provenance of the coins, which came to be known as the Floreat Rex coinage, and propounded a number of unlikely solutions. Then, towards the end of the last century, at about the time when Round and Gardiner were hotly engaged in their joust, the Secretary of the Royal Society of Antiquaries of Ireland advanced a novel and strangely convincing theory under the title,

'On the Irish "St. Patrick" or "Floreat Rex" Coinage, subsequently circulated in New Jersey: with reasons for connecting it with Lord Glamorgan's attempts to levy troops in Ireland.'

Frazer pointed out that means for minting these coins did not exist at Dublin, or at Kilkenny, or, indeed, anywhere else in Ireland. Nor, for several convincing reasons, is it probable that they came from the mainland of Europe.

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1. W. Frazer, R.S.A.I., ~~Vol.~~ V., Fifth Series, part IV, 1885. There are, of course, several theories about the provenance of these coins. For example, they have often been described as Confederate coinage. However, it is the opinion of Mr. W. O'Sullivan of the National Museum of Ireland, with whom I discussed the problem, that Frazer's speculations are as valid as those of anyone else.

On the other hand, under minute inspection, the coins reveal the craft and style of the Royal engraver in the reign of Charles I, Briot.<sup>1</sup> How, then, do we account for the existence of this large store of coins which was not subsequently used, except for some very small part?

The coins could scarcely have been for direct use in England, because silver was the only recognized coinage. On the other hand, copper coins had value in Ireland. Even as late as the Jacobite Wars Irish soldiers were paid no more than 1d. per diem. It may be assumed, therefore, that they were intended for Ireland. In that case, by whom and for what purpose?

To these questions Mr. Frazer answered: by the Earl of Glamorgan for the payment of Irish troops. Aside from the difficulty of alighting on any other explanation, Glamorgan fits in neatly. From his father's Welsh mines,

"Glamorgan could procure the necessary metallic copper for striking the coinage, large though it was, which it is probable no other person could obtain at that time. Again the two emblems on the coins, on the one side "Floreat Rex", and, on the obverse, "the mystical prelate with his double cross blessing the assembled people, and putting to flight the toads and snakes of heresy, leading, as its happy result, to the termination of trouble expressed in "Quiescat Plebs", these call to mind the twin aspirations of the

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1. Cf: "So soon as Cromwell died, the widow of Briot made a claim of £2,800 stated to be due to her. We do not know the particulars of her claim. Evidently she demanded compensation for something she did not dare to ask for so long as Cromwell ruled." Ibid.

House of Raglan, a strong monarchy and the revival of Papal supremacy."

Lastly, Kilkenny and Dublin were the two places with which Glamorgan had special associations.

It remained to explain why the coins were never used.

Frazer suggested:

"The complete failure of his (Glamorgan's) negotiations prevented the circulation of the coinage, and it remained in England, unknown and concealed, until Mark Newbie obtained possession of these pieces."

If this ingenious theory be accepted, the various mysteries surrounding the coinage are at once solved.

For example it would explain:

- i. Why its occurrence was limited to Dublin and Kilkenny.
- ii. Why such a large amount was originally minted.
- iii. Why it disappeared so completely from sight during the period of the Commonwealth.
- iv. Why it remained useless under Charles II until Newbie purchased it.

What light does the theory throw on Glamorgan's Commission? In the first place its terms appear less flamboyant. Marriage to a Princess, the grant of a dukedom and the rest seem less outlandish alongside the considerable power to distribute secret funds, if not to

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1. Clearly Charles II could not use the coins for fear of certain scandal.



erect a mint.<sup>1</sup>

And, secondly, it would seem improbable that Glamorgan would have begun minting the coinage at any time after 1644, since he must have wished it to be ready against the arrival of his Irish contingent in the month of May, 1645.

To conclude this defence of Glamorgan, let it be supposed that the commission was a forgery. When did Glamorgan forge it? Presumably not on the date subscribed or at any time in 1644 since, as his critics must have it, there could have been no reason for employing him until the next year. In 1645, then, when he definitely planned to go to Ireland? Hardly. That he received ample authority from the King to raise an army no one disputes. Much later on, perhaps when he wished to lay claim to the Dukedom of Somerset - in about October 1649, for instance

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1. This distinction would appear to be necessary. Frazer was unaware that Glamorgan had written to Clarendon on June 11th, 1660, stating categorically that while he had been given authority to erect a mint, he had chosen not to exercise it; Clar.S.P., 11, p.201-3; Gilbert V, p.15. At first sight this statement seems to nullify Frazer's elaborate thesis. But, on reflection, it may be inferred that though Glamorgan did not erect a mint on his own authority, he did so under Charles' directions and with his explicit permission. Hence, the employment of the King's own engraver, Briot. This would be the sort of nice distinction Glamorgan, like so many others, would be anxious to make when trying desperately to justify his behaviour at the Restoration. After all, why even raise the question if there were not something to be explained away?

according to Round<sup>1</sup>, when he wrote to Charles requesting the Dukedom and the garter, or at the Restoration, when he made strenuous efforts to prove his title? But why should he have invoked this commission with its casual reference to the dukedom at the close when he could produce a patent - whether it was forged or not is here irrelevant - which appeared unequivocally to confer the dukedom upon him?<sup>2</sup> Then, on what occasion and for what purpose would it have paid him to perpetrate this particular forgery? Upon those who doubt the authenticity of this commission lies the burden of answering this big question.

If the genuineness of the commission may now be assumed, the question of why it was issued on April 1st, 1644, is easily answered. It was because the Irish Commissioners had just arrived at Oxford and there seemed to be a strong possibility of a favourable outcome to the impending conference. It may even be surmised that Glamorgan had presented himself at Court<sup>3</sup>, or, indeed, had been summoned thither by the king, for the express purpose of

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1. Op.cit., p.375.

2. Round examined the whole question of the dukedom in the work above cited pp.367-95. See below app. i.

3. It is useful to be able to locate Glamorgan at Court at about the time the Confederate Commissioners arrived; cf. Arthur Trevor to Prince Rupert, Oxford circa March 26th, Warburton, op.cit., 11, p.400.

discussing the raising of troops in Ireland with the Commissioners.<sup>1</sup> Should this have been the case, it would help to explain why the Supreme Council looked forward to his coming in 1645<sup>2</sup> and why it so readily accepted his claim to be the King's ambassador.<sup>3</sup>

The next question to be answered is what did the commission empower Glamorgan to do? Birch, the eighteenth century historian,<sup>4</sup> and several of Gardiner's predecessors thought that it was the basis of all Glamorgan's subsequent negotiations with the Irish, but this is an untenable view. Nor, as Round has proved, is there much foundation for Gardiner's opinion that the King envisaged an international army with Glamorgan in command. It is quite reasonable and much simpler to take the document at its face value; it is an authority to raise an army and wisely gives the utmost latitude for finding money, supplies and ships from every conceivable source. This view is reinforced by a letter written to Hyde in 1660 in which Glamorgan explained

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1. ( ) at his independent command had given such offence to his enemies that he<sup>may</sup> had decided there was no further scope for his ambition in England.

2. See below pp.330-4.

3. One of the principal difficulties of Glamorgan's critics is to account for the extraordinary ease with which he convinced the Supreme Council of the validity of his credentials.

4. pp.13-14.



why his authority should have been so wide - since his mission was delicate and supremely important - it would have been folly to hamper his negotiations with provisos.<sup>1</sup>

Why the King should have kept the document secret even from his intimate advisers presents a different problem. Denigrators of Charles overcome this difficulty by asserting that he did not want any one to know of his intention to bring over a Catholic army for fear of estranging his own Protestant supporters. Gardiner does not raise the problem. This may be part of the answer. The rest could be explained as follows. To appoint Glamorgan was certainly a risk. But if the expedition were to succeed, it would then be time enough to worry about Protestant susceptibilities. If it were to fail, little would be lost. It was good sense to keep the matter quiet.

This disputed commission of April 1st, 1644, has only an indirect bearing on the larger issue of Glamorgan's Treaty, since it could have nothing to do with making peace with the Confederacy. If authentic, it helps to reinforce the standing of the documents of subsequent date produced by Glamorgan; if spurious, it weakens them. But, either way, if in 1644 Charles thought at all of Glamorgan in connection with Ireland, it could have been only as the commander-elect of an expeditionary force. Any thought

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1. Clar. S.P., II, p.201.

of him as a would-be treaty-maker could scarcely have entered his head until the end of the year, for up to that time he still entertained the hope that Ormond would persuade the Confederacy to accept suitable terms.

## CHAPTER VI

### The Trials of Ormond, May, 1644 - August, 1645.

After the breakdown of the Oxford negotiations it must have been obvious to men of cool judgment that the grounds for disagreement between the Confederates and the Protestant Royalists were so wide that the prospect of a settlement was remote. The King's position was peculiarly delicate, for no matter how tactful he might be, he was bound to give offence to someone. Confronted with this problem what should he do?

He decided that the Marquis of Ormond should carry on negotiations with the Confederates in Ireland. It has sometimes been asserted that he intended to use Ormond as a stalking-horse for the Earl of Glamorgan, who was to offer secret concessions to the Irish, but this has to be proved and it has been shown that, at least in so far as the year 1644 was concerned, Glamorgan was employed only in a military capacity.

Why Ormond should be appointed to persevere with the negotiations, if they were to be proceeded with at all, it is easy to see. Ormond himself admitted as much, although this did not prevent him from being pessimistic



about the outcome<sup>1</sup>. Apart from other considerations it would be difficult to find commissioners on the royalist side who would be prepared to treat, in view of the failure of the King and Council to achieve a result. It was also hardly to be expected that a settlement could be effected in Ireland, where feeling between Catholic and Protestant was so bitter, when it could not be reached in England under much more favourable conditions. In short, Ormond shrank from the task and wondered what the King hoped to gain from his carrying on with the negotiations in Ireland.<sup>2</sup>

What, indeed, was Charles' purpose? Obviously it was essential to keep in touch with Kilkenny so as to prevent the resumption of hostilities. But Charles never behaved as though this were his only motive. On the contrary throughout the next eighteen months he frequently presumed that peace was imminent and Irish aid about to be set on its way. It may be that he looked, with characteristic<sup>ally</sup> unfounded optimism, for something to turn up if the negotiations could only be kept nominally in being. He may even have refused to face the implications

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1. Nor was he alone in feeling dubious. Towards the end of the conference when it became clear that it was the King's intention to transfer negotiations to Ireland, Sir Philip Percivall could not restrain a protest on Ormond's behalf; cf. Percivall to Ormond, Carte, VI, pp.130-31.

2. Carte, VI, pp.154-5. 153-4.

of the Oxford failure, and have genuinely, if naively, believed that the prospects for peace were still undimmed. After all, as Digby said at about this time in a would-be encouraging letter to Ormond, the Confederate Commissioners had expressed their regret at leaving Court with no agreement and their intention of persuading their colleagues on the Supreme Council to moderate their demands.<sup>1</sup> But could it be believed seriously that this was anything more than a courteous way of bidding farewell? A further explanation may be that he relied upon Ormond to retrieve the situation by sheer force of personality and ability. If this were really so, he had chosen the wrong man. Ormond's ability and commanding personality were not in question. Nor was his high sense of duty - although perfectly aware that he was being asked to relieve the King of the odium as well as the burden of treating with rebel Catholics,<sup>2</sup> he registered only an oblique protest. Yet, these qualities were insufficient, or at least,

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1. Digby to Ormond, Jul.22, *ibid.*, pp.172-7.

2. Cf. Radcliffe to Ormond, June 11, 1644: "I hope it is not intended that your excellence shall take the thorne out of his Majesty's foote, and put it in his owne": Carte, VI.pp.146-7. Arthur Trevor expressed the same sentiment even more forcibly: "... if the earl of Bristoll, Lord Digby, lord Cottington, and the councill will putt the stocke into your hand, and stand themselves beheind the hangings I presume the marquess of Ormonde will thinke it proportionable to reason, that they goe their shares, if they expect a profitt in the returne," *ibid.*, p.198.

misplaced in the present case.

Amid the viciously contending interests to be found in Ireland only someone devoid of integrity could have pretended to discern a common purpose. Ormond could not do so. Unlike Charles he was not accustomed to making half-promises and throwing out ambiguous hints. If his strategy was sound - to play on the uneasy conscience of the Anglo-Irish and to exploit the factional strife at Kilkenny - his tactics were not subtle enough to deceive. He was hampered, too, by the strength of his convictions. As a Royalist with a taste for authoritarianism he loathed having to make concessions under the whip of expediency; and, as a Protestant, he was troubled about conceding too much to the Roman Church.<sup>1</sup>

It is difficult to believe that Charles was unaware of Ormond's shortcomings as his intermediary with the Irish. He was certainly conscious of the arduous part for which he had cast him:

"I am not ignorant how hard a part I put upon you in transferringe to you the treatye, and the power to conclude a peace with the Irish".

But although it may have been true that Ormond was:

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1. In a letter to Digby (see above Chapter 2, p. 39 ) he stated that his orders must not controvert "the grounds I have laid to myself in point of religion". This he mentioned "least the King's service should suffer in my scrupulousness in things another would find less difficulty in".



"soe intirely addicted to my service, as that you will not be deterred by difficultyes from what may soe much conduce to it, as the easinge me at present of that treatye",<sup>1</sup>

more than loyalty and patience were called for. Thus, when the immediately obvious explanations of Charles' confidence in a future peace with the Confederacy are examined, they are found wanting. One is, therefore, driven to conclude that Charles was keeping a trick up his sleeve.

In theory, Ormond now disposed of great power. The King had replied favourably to all his suggestions both for strengthening his authority and for giving him more latitude in dealing with the Confederacy. Moreover, if his own report may be believed, Daniel O'Neill, now returned to Court, had also offered several suggestions which the King had graciously welcomed.<sup>2</sup> Some of these tallied with those made by Ormond himself, but there were three interesting new ones: the King's instructions should be issued through one secretary of state only, namely, Digby; Ormond should be given authority to terminate appointments made "during the King's pleasure since 1641";

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1. July 17, 1644, *ibid.*, V, p.7.

2. O'Neill to Ormond, Jul.17, *Aphor. Disc.*, I, pp.598-9. Daniel O'Neill does not give the impression of being a deliberate liar but rather of exaggerating his influence and the attention paid to his advice. On this occasion he may well be believed, for very shortly after he had written to Ormond the King issued a proclamation requiring all persons who had any office or command in Ireland to return there at once. *Cal. Cls.P.*, I, p.260.

all persons resident in England who had estates in Ireland and who were not actively engaged in the King's service should be commanded to return home.<sup>1</sup> In response to Ormond's own proposals, the King granted him authority to give full pardons to such Confederates as should surrender<sup>2</sup> and promised to consult him before conferring honours or making crown appointments. Those who presented themselves at Court behind his back with rosy accounts of their expectations of assistance from Ireland would receive no encouragement. Nor would he be held up to Confederates as the impediment to the granting of concessions.<sup>3</sup>

Digby, who replied in the King's name, had long since detected the tacit protest underlying Ormond's matter-of-fact requests and sought to reassure him that henceforward he had nothing to fear. As early as February 8th he had reported that in future either he or Nicholas must sign all royal grants and naturally they could be relied upon never to flout the Lord Lieutenant's wishes. As to the question of adventurers, his sympathies were all with Ormond. Personally, he would have no truck with them. Knowing that Ormond had been particularly annoyed by the

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1. Daniel O'Neill's propositions to the King with the King's answers, Aug. 24, T.C.P., XII, p.107; Aphor. Disc., p.591.

2. Ormond was given specific authority to receive to mercy in a letter from the King; cf. Ormond to Digby, Mar.8, Carte, VI, p.51.

3. Digby to Ormond, Jul.22, Carte, VI, pp.172-7.

employment of Antrim, he emphasised the fact that Antrim had been given no powers likely to detract from the viceroy's own authority, and that Daniel O'Neill had been sent along with Antrim to make sure that he did not overstep the mark.<sup>1</sup>

And yet, here as elsewhere, Digby was protesting too much. Ormond realised as well as he did that however many splendid promises were made there would continue to be a great deal of backsliding.

The root of the trouble was the inconsistency of crown policy. Though obstinate in some respects, Charles was too easily deflected from a straight course. At any given moment his views were as likely as not those of the person with whom he had last conversed. Again and again Ormond's English correspondents drew attention to his fickleness, but there could have been no more devastating commentary on the situation than that of the Archbishop of York:

"Things are soe vnfixe in this court, and his majesty (out of his too much goodnes and pietye) soe obnoxious to be shaken and removed by varietye of counsailes out of any settled resolution, that I praesume your excellencye is stored (and soe you hadd neede be) with somme fundamentall instructions for the government of that kingedome, as are not to be whisperd awaye, or discomposed with private informations or letters of command vpon such groundes as those ... You are to playe your game wholly in your owne tables, without expectinge any helpe or much advice from this kingdom, untill God vouchsafe to send vs better times."<sup>2</sup>

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1. Ibid., pp.30-35.

2. Mar.7, 1644, Carte, VI, pp.50-1.



In his modest and discreet way Nicholas was probably more genuinely understanding about Ormond's difficulties and more practically helpful than Digby. On one occasion he pointedly expressed utter disinterest in a particular recipient of the King's favours and then continued with a pithy statement of his attitude towards the legions of Irish petitioners. He had to sign many letters which he could "wishe might have been forborne". In the future he advised Ormond to ignore such letters unless he were to add a personal endorsement. He also hinted that it might be wise for Ormond to avoid requesting instructions and to ignore any instructions which he found inconvenient.<sup>1</sup>

The King was presented with an opportunity of collaborating with the Confederates almost immediately after the dissolution of the Oxford Conference, when Monro, who was by now in command of all the anti-Royalist forces, English as well as Scots, seized Belfast.<sup>2</sup> Throughout the Rebellion, any forward movement by these northern forces always alarmed the Confederates.<sup>3</sup> On

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1. Nicholas to Ormond, Feb. 2, 1644, T.C.P., IX, p. 49; see also Radcliffe to Ormond, Feb. 19., 1643, Carte, VI, pp. 38-40.

2. Ormond himself reported the loss of Belfast to the Supreme Council on May 17; Gilbert, III, pp. 168-9.

3. They had already written to Ormond: "Wee conceive them (the Scots) to be our Common enemyes and doe desire they should be repelled with our ioynt endeavours". April 17, 1644, T.C.P., X, p. 161.

this occasion they offered to place their armies under Ormond's command provided he would lead an attack against Monro. As a special inducement they claimed that their commissioners to Oxford had been informed by the King that he had several times recommended such a campaign to Ormond.<sup>1</sup>

It chanced also that at this time a dispute between the earls of Antrim and Castlehaven over the chief command of the Confederate armies was causing deep concern at Kilkenny. Daniel O'Neill seized the opportunity to suggest to Bellings and Fennell that Ormond should be offered the command since Antrim and Castlehaven would be prepared to serve under him. Bellings and Fennell asked Ormond if he knew of the suggestion and what he thought about it.<sup>2</sup>

Ormond denied that he had received any orders on the subject from the King.<sup>3</sup> Nevertheless, the proposal embarrassed him, for he had no wish to give offence by refusing and yet dared not accept. Recently his stock at Kilkenny had slumped, not least because news of his plan to break up the Confederacy by conferring pardons and honours upon selected leaders had leaked out.<sup>4</sup>

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1. Bellings to Ormond, May 30, *ibid.*, XI, p.40.

2. Bellings and Fennell to Ormond, May 25, 1644, Gilbert, III, pp.470-1.

3. Ormond to Mountgarrett, June 28, 1644, T.C.P., XI, p.183; see also Ormond to Digby, Carte, VI, p.164.

4. On April 7 the Catholic Commissioners at Oxford had notified the Supreme Council that Ormond had asked for a commission to enable him to warrant "the submission of such as will desire it, And to pass them pardons." This was a dangerous way to break their association. T.C.P., X, p.100.

He was reliably informed, moreover, that refusal might cost him the support of his sympathisers within the Supreme Council. To make matters worse, Dublin was desperately short of supplies and dependent on Confederate sources for what little there ~~was~~. At the same time he felt he could not,

"mix his rightful power, and unblemished, though small forces, with the wild usurped authority and yet unlawful <sup>arms</sup> of the other party:..."

Besides which,

"I believe no man will think mee so mad as to venture vpon this high straine but by the King's command; or soe disloyall as to doe without his approbation; and what scandall it may be to him to have that believed, and what hearts it may loose him in England and elsewhere, his majesty is best able to judge. Here I doe not think ten protestants would follow mee, but <sup>would</sup> rise like one man against mee, and adheare to the Scots".

Then, having carefully pre-judged the issue in case the King should prove less principled than himself, he asked what he was to do.<sup>1</sup>

In the circumstances Charles had no choice but to reject the plan for a joint campaign, although he had intended to support it.<sup>2</sup> Digby admitted as much to Ormond.<sup>3</sup>

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1. Ormond outlined his exchanges with the Confederacy and the pros and cons of a combined operation against Monro in a lengthy report to Digby dated June 9th; Carte, VI, pp.153-9.

2. He had informed Lord Taafe to this effect as early as Feby 6, 1644, *ibid.*, p.154.

3. Digby to Ormond, August 13, *ibid.*, p.193.



It is to be wondered whether he and Ormond remarked the irony of their refusal.<sup>1</sup> As Gardiner, forcibly expressed it:

"What is, however, to be thought of a policy which based itself on the co-operation of an Irish army in England, when it was impossible to grant to the Irish the co-operation of an English army in England."<sup>2</sup>

This was an opinion shared by the Supreme Council. In reply to a request from Ormond to increase a consignment of corn and cattle already promised, they stated that they would be glad to oblige but could not raise the necessary taxes without first giving the people a good reason. As they affected to see it, such a good reason would be a declaration against the Scots by Ormond or, better still, an announcement that he would combine immediately with them against the advance from the North.<sup>3</sup> Such faithful royalists as Clanrickard, Thomond, Dillon, Fitz-William and Taaffe who were desperately concerned to see peace restored to the Kingdom, and who had ostentatiously withheld support from the Confederacy, and who, therefore, had no axe to grind, also strongly advocated that the Scots should be declared enemies of the crown and attacked

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1. Which coincided with the sending of one, Brent, to Ireland in a desperate search for powder; *ibid.*, V, pp.6-7.

2. *Civil War*, II, p.162.

3. June, 21, T.C.P., XI, p.156.

by Ormond.<sup>1</sup>

The Confederates were evidently mystified by Ormond's claim to have received no orders from the King, since their claim that they had been so informed at Oxford both by the King and Digby was nothing less than the truth. Thus, on July 1st they informed Ormond that they were sending Muskerrey, Plunkett and Brown to see him, because, having attended the Conference at Oxford, these three could confirm the statement that had been made to them. Fennel was accompanying them so that he might explain how prejudicial

"yo<sup>r</sup> Ldps backwardness in this occasion drawes upon his Ma.<sup>ty</sup> service".<sup>2</sup>

Nothing came of the visit. Ormond, supported by the Council, repeated his denials,<sup>3</sup> although long before he received the King's own admission, he must have known that the Supreme Council was in the right. For its part, the Supreme Council must have realized eventually that the King had not in fact issued any instructions to Ormond and that, even if he had done so, Ormond would have found it necessary to beg to be excused from carrying them out. In the light of the fact that the King at Oxford had also informed the Commissioners that he would

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1. July 15, 1644, Carte, VI, pp.159-62.

2. Supreme Council to Ormond, T.C.P., XI, p.193.

3. Ormond to Digby, July 17, 1644, Carte, VI, p.164.

be willing to repeal the penal laws but had not so informed Ormond, several conclusions may be drawn from this episode.<sup>1</sup> First, the King was prepared to make offers of which Ormond disapproved and which he kept secret from Ormond. Secondly, while knowing what the King wished should be done, Ormond chose not to take action in the absence of explicit commands; moreover, he took advantage of his assumed ignorance to raise objections to the King's proposed action with a view to influencing the King to change his mind. And, thirdly, the Confederates realized that the King was willing to make substantial promises in quasi-secrecy. It is essential to emphasise the importance of these conclusions, because, without them, it is neither possible to account for the recurrent suspicion of the Confederates that Ormond was holding back from them the full concessions made by the King nor for their ready acceptance of the credentials of the Earl of Glamorgan in the following year.

The King issued Ormond with his first commission to treat for peace on June 24th, but for some reason it did not reach Dublin until July 26th,<sup>2</sup> and in the meantime Ormond was forced to rely on gossip. Indeed, his best information came from the Confederates. The failure of

1. See below, pp. 254-5.

2. Carte, VI, pp. 184-5.



intelligence between Oxford and Dublin at this time was reprehensible; Digby's attempt to explain it away was far from convincing.<sup>1</sup> On July 9th Ormond complained bitterly that though the Confederate commissioners had landed over a fortnight ago at Waterford he had no notion of the conference and was 'in the darke as to his majestie's pleasure'.<sup>2</sup> In this and another letter dated July 17th<sup>3</sup> he besought the King to give him guidance. Then, at last, the commission, whose very existence he had to take on trust from hearsay, arrived.

Now that he had it in his possession, he was extremely doubtful if it would be of any use. Already he had pointed out how difficult it would be to find suitable commissioners on the royalist side to take upon themselves what the King in Council, assisted by selected delegates from Dublin, had failed to achieve.<sup>4</sup> No wonder he should now say:

"I have little ground ~~to~~ hope that this commission will effect that for which it was sent; to witt, the concluding of <sup>such</sup> a peace as may be for his Majestie's honour, or for the just and reasonable satisfaction of his Protestant subjects."

He was still uncertain as to the extent of his powers and required both a copy of the demands which the councillors and clergy of Ireland had proposed that the King must insist upon and which Digby was supposed to have included

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1. Digby to Ormond, Aug.13, 1644, Carte, VI, p.192.

2. Ibid., p.153.

3. Ibid., p.164.

4. Carte, VI, p.154.

already with an earlier letter<sup>1</sup>, and a copy of the King's counter proposals. Evidence of the latter was essential if he were to convince the doubting Thomases in the Council. In fact, on July 22nd, Digby had anticipated his request for explicit instructions and had sent the required copy.<sup>2</sup> Nevertheless, in response to this particular letter of July 30th, he replied on August 13th that Ormond must expect no advice from England but must act in all matters as he saw fit.<sup>3</sup>

On the surface this was only reasonable. The King had the greatest difficulty in communicating with him, and it often happened that events outstripped his instructions. Even so, this was small comfort for a subordinate who

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1. Ormond to Digby, July 30, *ibid.*, pp.184-5.

2. Digby to Ormond, *ibid.*, pp.172-7.

3. Same to same, *ibid.*, p.194. This was the second time Ormond had complained about the vagueness of his instructions and Digby had given this reply; cf. Carte, VI, p.30. Daniel O'Neill added a revealing gloss: "... you are to stand or fall by what is good in your own eyes. This is not what I knowe you expect or desire; butt lett mee assure you, 'tis all the direction that can bee hoped from the present condition of affaires, or from our cautious counsellors; among which I reckon not Lord Digby. Him I find free and faithfull to the end wee all intend, without reservation, and to walke in the affaires of Ireland single." O'Neill to Ormond, Aug.13, *ibid.*, p.188. The Earl of Glamorgan was to claim later on that his patents were drawn up in wide terms precisely because of the difficulty of keeping in touch with the Court. Was it with conscious irony that Digby was subsequently to accuse Glamorgan of forgery on the grounds that he claimed powers so extensive that the King could never have seen fit to grant them?

preferred to have explicit instructions, and in the event Ormond was unable to offer any more generous concessions to the Confederates than the King had tendered at Oxford.

On July 30th Ormond notified the Supreme Council that he had received the King's commission to treat for peace.<sup>1</sup> However, before his meeting with the Confederates could begin, there was to be some delay due, as he told Digby, to the inclusion of a cleric among the nominated commissioners.<sup>2</sup> In fact the General Assembly, the fourth to date,<sup>3</sup> which had opened on July 20th, had added six new agents to the seven despatched to Oxford including two controversial ones. Aside from Antrim (sic) there appeared the name of Thomas Fleming, titular Archbishop of Dublin. The remaining commissioners were to be: Mountgarrett, Muskerry, Alex. McDonnell, Sir Richard Everard, Sir Robert Talbot, Mr. Dermot O'Bryan, Patrick Darcy, Geffrey Brown, Richard Martin, John Dillon and Plunket. Plunket wrote to Ormond on August 11th asking for safe-conducts for these thirteen and a copy of the King's commission.<sup>4</sup>

Ormond's eyes and ears at Kilkenny had already forewarned him of the inclusion of the Archbishop. Two days

1. Ormond to Muskerry and others, July 30, T.C.P., XI, p.392; Gilbert, III, p.220.

2. N.d., 1644, T.C.P., XV, pp.468-74. This letter is wrongly placed in the year 1645 in the Transcripts.

3. Dissolved on Aug. 31, 1644.

4. Ibid., XII, p.39; Gilbert, III, p.252.



before Plunket had sent him the official list he had already written to Muskerrey pointing out that he could not agree to it and suggesting that the meeting should take place in Dublin.<sup>1</sup> On the 13th he explained officially to Plunket that he had heard nothing but good of Fleming and only objected to him because of his cloth. At the same time he ~~enclosed~~ a copy of his commission. In an attempt to steer round the exclusion problem he omitted Fleming's name from the collective safe-conduct.<sup>2</sup>

Ormond's determination to stick to the principle of ~~dis~~barring the clergy from negotiations was one aspect of his attempt to exploit the differences at Kilkenny. Apart from his honest conviction that the presence of a cleric would hamper fruitful discussion, and scandalize Protestant opinion, he was bent on driving a wedge between the Catholic nobility and the clergy. By this time he had realised that while agreement on the political and territorial demands of the Confederates was not beyond reach, agreement on ecclesiastical differences was virtually unattainable. If, therefore, in some way, these demands could be kept in two separate compartments, it might be possible to induce the <sup>Anglo-Irish</sup> ~~nobility~~ to conclude a peace by conceding most of their political and territorial demands while promising only to consider the ecclesiastical demands

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1. T.C.P., XII, p.61; Gilbert, III, pp.251-2.

2. T.C.P., XII, p.60; Gilbert, III, pp.252-3.

at a later date. In some way clerical influence had to be weakened, and <sup>excluding</sup> ~~barring~~ the clergy from negotiations was one way of doing so.

Against his opposition the Confederacy made only a token stand. When Plunket wrote to Ormond on August 16th agreeing to Dublin as the meeting-place and proposing August 26th as the opening day, he observed that there was no ~~dis~~barring clause in the King's commission.<sup>1</sup> But when he wrote again on August 23rd requesting a postponement of the opening until August 31st it was plain that the Supreme Council had wriggled out of the difficulty with ingenuity, but pusillanimously. He repeated that the General Assembly could not alter its list of nominees in view of there being no restriction in the King's letter. However, when the time had come for formal election of officers, it had been decided to appoint only eight commissioners who should be the first named, to wit, Muskerry, McDonnell, Talbot, O'Brien, Brown, Darcy, Dillon and Plunket.<sup>2</sup>

Yet the Confederates were not accommodating in every respect. On August 19th Antrim was ordered to write to Ormond requesting the withdrawal of the Irish ships which were supporting the expedition to Montrose and being maintained out of Confederate funds.<sup>3</sup> Plunket informed

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1. T.C.P., XII, p.68; Gilbert, III, pp.253-4.

2. Ibid., pp.255-6.

3. T.C.P., XII, p.81; Gilbert, III, p.256; Antrim to Ormond, Aug.20, *ibid.*, pp.254-5.

Ormond that maintenance would cease.<sup>1</sup> Ormond requested that they be maintained for one more month, on the advice oddly enough of the Duchess of Buckingham,<sup>2</sup> and proposed that the expense incurred should be offset against what he claimed was the balance still outstanding from the subsidy promised at the Cessation.<sup>3</sup> The General Assembly considered its debt paid in full and on August 29th asked Antrim personally to recall the ships.<sup>4</sup> Apparently there was a genuine need for the ships but it would have been difficult to find a better way of emphasizing royalist dependence on their resources on the very eve of the negotiations.

Whether the General Assembly debated the terms for peace it would be willing to accept is not known for certain, but it would appear to have done so if we may trust the word of the Countess of Antrim. According to her report, Scarampi urged that they should negotiate only for a cessation pending the receipt from the Pope of £260,000 which he claimed they would have within four months. If the money should fail to arrive, then they might arrange a peace. But on no account should they agree to a settlement which did not remove all the penal laws and restore their churches.<sup>5</sup> Scarampi's advice

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1. Ibid., p.257.

2. Duchess of Buckingham to Ormond, Aug.20, *ibid.*, pp.257-8.

3. Ibid., pp.258-9.

4. John Walsh to Ormond, Aug.30, 1644, *ibid.*, pp.267-8.

5. Duchess of Buckingham to Ormond, Aug.23, 1644, *ibid.*, III, p.260.



was not followed, for the Commissioners had plenary authority to arrange for a peace; if their efforts were unsuccessful for the time being, they were to renew the Cessation.<sup>1</sup>

Talks began on September 6th, having been put back from September 1st.<sup>2</sup> The Commissioners were all lodged in the same house in Dublin<sup>3</sup> and presumably held their own discussions on developments there. The same procedure was adopted as for the conference leading up to the Cessation; each side communicated its point or points in writing and George Lane acted as messenger; infrequently there were verbal meetings. Ormond consulted with the Council<sup>4</sup> before making any decision. He did this mainly because it was the correct procedure. But there is no doubt that he was determined also not to become a single scapegoat.<sup>5</sup> He was also rightly convinced that if the Council declined to support his actions it was absolutely certain that the great majority of Protestants would do the same. Presumably in order both to simplify matters and to obtain expert

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1. T.C.P., XII, p.136; Gilbert, III, pp.269-71.

2. Cf. Plunket to Ormond, Aug.30, *ibid.*, p.269.

3. Aphor. Disc., p.92.

4. "which I intend to take along with mee to the end of this great worke"; Ormond to Digby, July 30, Carte, VI, p.184.

5. He had requested Digby "to attest the answeres given by his majestie to the propositions of those deputed from the Irish, whereby all scruple will be taken from those, that I must necessarily advise with in this treaty, soe farre as there is any concession in those answers to the desires of the other party" (*ibid.*)

advice, he appointed a special committee consisting of the Lord Chancellor, several members of the Council, the Judges of the King's Bench and the sergeant-at-law to report on disputed issues arising.<sup>1</sup>

At the opening of the conference<sup>2</sup> the Cessation was renewed until December 1st.<sup>3</sup> The first exchanges followed, using the Confederate proposals at Oxford as the point of departure. The author of the Aphorismical Discovery was inimitably scathing about subsequent events. As he saw it, for ten whole weeks the two sides interchanged 'little billets' over frivolous points, all to no purpose whatsoever; at the end, they published a book of these sterile proceedings.<sup>4</sup> It is tempting to share his intolerance and yet he is not quite fair. That there was pedantry is indisputable, but the principals, while free agents in theory, were constrained in practice to say nothing and to agree to nothing which could later be turned against them by their own partisans or, what was worse, used as a pretext by the majority of one side or the other for repudiating any settlement which might be reached.

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1. Ormond to Digby, T.C.P., XV, pp.468-74; Gilbert, III, pp.329-33.

2. Gilbert extracted from the Carte Papers all the documents relevant to the negotiations. These occur in Volume III of Confederation and War, pp.277-329.

3. Gilbert, III, pp.273-5.

4. p.92.

Apart from this, whereas the fundamental differences between the two parties might easily be stated in general terms, they could not be resolved without minute attention to detail. This must also be said. Neither side really believed that the time was ripe for agreement, but no-one wanted a rupture. Thus, Ormond was happy just to keep the negotiations going, no matter how little headway was made. As for the Confederate Commissioners, perhaps they found it convenient to become immersed in the minutiae of debate, as a means of steering clear of the discussion of the fundamental differences separating them from Ormond.

The main points in dispute can be reduced to three: the repeal of 2<sup>o</sup> Elizabeth and all Acts subsequently relating to it; the repeal of Poynings' Act; a general Act of Oblivion,<sup>1</sup> including the annulment of attainders and outlawries.<sup>1</sup> Other important demands of the Confederates were: the abrogation of all acts passed since August 7th, 1641; the removal of their incapacity to purchase lands, leases, etc.; the establishment of Inns of Court, a University and their own schools; their appointment to offices of trust; that non-residents should not sit in the Irish Parliament or vote by proxy; that the jurisdiction of the Council should be limited to State matters; that Viceroys should be appointed for a maximum period of three

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1. Singled out by Ormond himself in a letter to the Earl of Thomond; Dec. 5, 1644; T.C.P., XIII, p.12.



years; that all murders and crimes committed by persons on either side since the outbreak of the rebellion should be tried in the ordinary courts of law; that lands claimed since 1634 should be restored to their original owners; that the Court of Wards should be abolished in exchange for a guaranteed revenue. For his part Ormond made certain demands: these amounted to the restoration of all the towns, castles, churches, land and property acquired by the Confederates since 1641 to their rightful owners, the King, lay Protestants, and the Protestant clergy respectively; the making good of the King's lost revenue and any damage done to requisitioned property.

It is noticeable how, in this session and in ensuing sessions of negotiation, the list of Confederate grievances was steadily whittled down. On this occasion, Ormond gave his assent to several important concessions: they need not take the Oath of Supremacy, the Court of High Commission should be suspended, they should be eligible for offices of state, and they should enjoy religious freedom as during the most lenient periods of the reigns of Elizabeth and James I.

But little advance was made upon the King's own offer at Oxford with regard to the major demands of the Confederacy. Thus, the King was still prepared to grant virtual toleration for his Roman Catholic subjects, but he would not, indeed, dared not concede to Ireland the legislative independence

which the Confederacy deemed essential, partly for material reasons but primarily because it was not prepared to dismantle itself without first making sure that the King would be constitutionally powerless to interfere with the Catholic religion. The Confederacy desired to exercise that religion as a right whereas the King could only see his way to tolerating it as a privilege. Ormond, in his name, could not even agree to annul outlawries and attainders.<sup>1</sup>

Yet neither side had the least wish to end the negotiations. On the contrary both Ormond and the Commissioners looked upon a definitive break as a potential disaster. So also did the Earl of Clanrickard whose judgment in such matters had the virtue of being impartial. On hearing that Muskerry and the Commissioners were about to leave Dublin he urged Ormond at all costs to detain them pending fresh instructions from the King. For,

"If the commissioners shall now departe in this unsetled condition, I am most confident it will not be in the power of any the best affected to prevent a sodaine and irrecoverable breach, and whether that may not (all things consider'd) reflect vpon your excellence with as much or more danger then to hazard somewhat the other way, I humbly submitt to your better judgement."<sup>2</sup>

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1. Confederate Propositions, T.C.P., XII, p.148; Ormond's answers, *ibid.*, 150-7; Ormond's further explanations pp.150-7. Substance of the debate pp.173-8; Answers of Confederate Commissioners, *ibid.*, pp.194-5; Ormond's answers, *ibid.*, p.205; further propositions of Confederate Commissioners; *ibid.*, pp.208-9; Further reasons, *ibid.*, pp.232-9; Reasons why dissatisfied with Ormond's answers, *ibid.*, pp.240-4.

2. Clanrickard to Ormond, Sept.29, 1644, Carte, VI, pp.200-1.

To which Ormond agreed, "but how to perswade their stay I know not". He was prepared to co-operate if Clanrickard could recommend a way of doing so.<sup>1</sup>

In the event, the Commissioners did not stay long, but they left on friendly terms. The negotiations were formally adjourned on October 31st until January 31st, 1645,- a short adjournment until November 4th having been previously agreed<sup>2</sup>- and it was decided to prolong the span of the current truce to cover the intervening period.<sup>3</sup> Meanwhile, in order that relations might not entirely cease, it was arranged that the Commissioners should be allowed to journey freely to and from Dublin.<sup>4</sup> Lord Brabazon, Sir Henry Tichbourne and Sir James Ware were to report what had happened to the King and to obtain his instructions.<sup>5</sup> At Kilkenny, the expected uproar did not take place, for Ormond's decision to refer back to the King for further instructions was made to appear an achievement, it not being doubted the King would make big concessions.

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1. Ormond to Clanrickard, Sep.30, 1644; *ibid.*, pp.201-2.

2. Ormond to Digby, Oct.18, Carte, VI, p.321. It is extraordinary but it would appear that in the first place Ormond hoped to receive the King's instructions on or before this date. The actual date of receipt was to be March 6th, and indeed, the messengers sent to ask for the King's instructions only left Dublin, by an ironic coincidence, on November 4.

3. Gilbert, IV, pp.36-8.

4. T.C.P., XII, p. 324; Gilbert, IV, pp. 37-8.

5. T.C.P., XII, p.305.



Ormond's opinion of the Conference may be gathered from his public and private reports to Digby<sup>1</sup>. In the first, he again noted the repeal of the Penal Laws, the scope of the Act of Oblivion, and the suspension of Poynings' Act as the outstanding points in dispute. He was at pains to emphasize the advantages that lay with the Confederates in negotiating: they had a considerable army in the field which had been reinforced during the negotiations by officers experienced in the fighting in Germany; the part of Duncannon had defected to Parliament; so had Inchiquin - a terrible blow<sup>2</sup>; but, above all, the harrowing condition of Dublin and the pressing wants of the Army were causing the private soldiers to desert. Obviously the King was to be left with no illusions as to the onerous task entrusted to his Lord Deputy.

In his private report explaining why he was compelled to refer back for instructions he pointed out that it would be dangerous, if not impossible, to make peace in Ireland without the Council's approval, for the Irish Protestants would certainly refuse to observe a peace which the Council should disavow. Again, any concessions made to the Irish would have to be confirmed by acts of Parliament, and these

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1. Conveyed by Brabazon, Tichbourne and Ware.

2. The defection of Inchiquin in July had been, indeed, a deadly blow to the Royalist forces in Ireland. At the same time it had the effect of strengthening Ormond in his dealings with the Confederates, for the more Parliament appeared to be waxing in power the more keenly they desired an accommodation.

the Council could veto unless Poynings' Act were first suspended. It was also his experience that the Council would not underwrite any concession which the King had not specifically offered. Besides, he still kept by him the King's memorial conveyed by Bourke in January, 1643.<sup>1</sup> This had carefully limited the concessions which he might offer and he had to know whether the King intended to give him more latitude.

As regards the Confederates, he believed that they would not argue over their other propositions if they were guaranteed the repeal of the penal laws. He had gone as far as he could short of agreeing to repeal. He warned that in the event of a rupture the Confederates would seek foreign aid knowing that they would be too weak to withstand the forces of England when that country was restored to peace.

His letter contained a startling reference to one further advantage held by the Confederates which had gone unmentioned in his public report:

"I shall add ... this one, that they have been assured by divers, and by some of those as from the King, that his majestie would not stick at the repeale of the penal laws".

They had been given this assurance in the first instance by (Thomas?) Bourke and later by Taaffe and William Brent, the latter two claiming that they had been expressly commanded by the King to give the assurance.

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1. See above pp. 65-7.

What was more, the general view of those coming from Court to Ireland was that this was the intention of the King and most of his advisers. The reports had assumed such proportions that he had been compelled to deny firmly that he had ever had such instructions, in order to prevent the negotiations from coming to an inconvenient end.<sup>1</sup>

Yet the reports may well have been true. Both Taafe and Brent had only recently come over from England. The Supreme Council were sure that the penal laws were to be abrogated.<sup>2</sup> Ormond made no comment but simply assumed that it could not be possible, leaving it to the King either to say - you are quite right, or else admit that he had agreed to repeal the penal laws. What the King did, of course, was to utter a denial.<sup>3</sup> But the evidence indicates that we need not take his denial for the literal truth. Thus, within a very short period Charles had twice, through several channels, expressed his willingness to make large concessions without informing Ormond.

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1. This long report occurs exactly one year out of date in the published collection of letters arranged by Carte (VI, pp.321-5).

2. See below pp.279-80

3. Digby to Ormond, Dec.16, 1644, Carte, VI, p. 219.



Ormond's appreciation of the changed attitude of the Confederate Commissioners was correct. They were now willing to reduce their terms on the understanding that the restrictions on the Catholic Church were to be lifted. From the outset their quarrel had been with the English Puritans and their minatory anti-Irish Catholic policy rather than with the Crown. Moreover, they were beginning to realise that the longer the state of rebellion continued the more restless, uncompromising and powerful the native Irish would become. Soon, the initiative at Kilkenny would be wrested from their hands, relations with the King would be severed irrevocably, and the system of government which afforded them a privileged position would be swept away. They much preferred to keep Ireland under the Crown of England - whose power had been conveniently reduced! And so, sub rosa, Muskerry and his friends let it be known to Ormond that they would accept the King's terms provided they could be assured of ample security for their lives and property. As to ecclesiastical matters, they appreciated the King's inability formally to concede to their demands in the prevailing conditions, and would put their trust in his word alone.<sup>1</sup>

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1. Carte, V, pp.10-12.

This approach was not as trusting as it appeared. They already had, or thought they had, the King's promise of repeal of the Penal Laws and they had no intention of surrendering the Churches or Church lands.<sup>1</sup>

In spite of this promising development, Ormond seems to have considered as confirmed his earlier views upon the futility of carrying on negotiations, at least with himself at the helm. He determined to submit his resignation to the King and on November 14th sent this message by the hand of Barry:

"I humbly desire his Majestie to be pleased speedily to appoint some other fitting person for the Government of this Kingdom..."

He explained the special handicaps under which he worked and suggested that someone who had neither stake nor relations in Ireland might be better placed to make concessions, for such a man might appear as a disinterested instrument of the Crown. He wished the King to know that supplies for the conduct of government and the maintenance of the greater part of the army in Leinster were about to run out and that his own poverty was acute.<sup>2</sup>

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1. Cf. Supreme Council to Luke Wadding, Oct. 26, 1644, Gilbert, IV, pp. 35-6. The message was apparently conveyed by Browne.

2. Gilbert, V, p. 197. The fact that this letter was unknown to, or ignored by, historians before Gardiner vitiates their conclusions. See below p. 262.

On the face of it, Ormond's motive for resigning was quite clear. Knowing himself to be incapable of the shifts and suppression of truth which alone could give rise to a settlement satisfactory to all men, he wished to give the King the option of choosing a less scrupulous assistant. But it is questionable whether he was sincere. More likely than not his request to resign was a shrewd piece of bluff, since there is not the slightest hint elsewhere that he contemplated giving up the vice-royalty; this was his method, that is, of forcing the King to enlarge his own authority and to abandon the practice of employing agents to Ireland and making promises without his concurrence. Certainly it had the effect of producing from the King a series of orders designed to augment his power.<sup>1</sup>

Whatever Ormond's motive, his request to resign obliged the King to look squarely at the Irish problem. He could no longer delude himself that somehow through Ormond's efforts the Irish army would suddenly materialise. Three courses lay open to him: to go on employing Ormond despite his evident distaste for the negotiations; to send an assistant to substitute for Ormond in matters affecting

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1. Ormond received a series of orders, all dated January 22, 1645, greatly extending his powers; e.g. to dismiss and replace the privy councillors. An order of Jan. 17, 1645, empowered him to receive to pardon, T.C.P., XII, p.308. It is also significant that he was given leave to go into England by an order dated January 13, 1645, *ibid.*, p.263.



the public character of the Lord Deputy, as Round and Gardiner suggest; to employ a new agent. The more closely the obstacles in the path of a settlement with the Confederacy are examined, the more apparent becomes the futility of acting through Ormond. It is informative to conjecture how the King might have reasoned.

In the first place there could be no question of appointing a new Lord Lieutenant. Plainly no one but Ormond was capable of holding the Government together and without him the royalist enclave would quickly crumble. Making peace with the Confederacy was another matter, for it was only too clear that Ormond's political and, in particular, religious scruples would never permit him to offer even the minimum of satisfaction. Besides, he was hamstrung by the Council in Dublin which he insisted punctilliously on consulting at every stage in negotiations, not to speak of the intense hatred felt by most Protestants in Ireland for those whom they regarded as guilty of atrocities during the uprising. In view of this, agreement could never be reached unless he were to substitute for Ormond a more pliable go-between. Unfortunately, the very scruples which inhibited Ormond might impel him to hamper the efforts of anyone else. And even if Ormond were to refrain from interference as the wording of his letter of resignation implied, the Council and public opinion would certainly be hostile. In short, an appointee likely to appeal to

the Confederacy would be exactly the sort of person whom the majority of Protestants would never tolerate. He could never operate except in absolute secrecy. What is more, in order to cover up his operations, in order to deceive everybody including Ormond, it would be necessary to carry on with public negotiations. <sup>The Earl of</sup> Glamorgan, who had already been commissioned to raise an Irish army, was the obvious choice for secret envoy.<sup>1</sup>

From this reconstruction of the way the King might have reasoned it is possible to draw a valuable inference - if he ever decided to offer the concessions stipulated by the Confederates, he had no alternative but to choose someone who was a distinguished Catholic, unswervingly loyal, and willing to risk his life and reputation, someone, that is, devoted and quixotic like Glamorgan. Moreover, he had to instruct his chosen envoy to conduct himself much as Glamorgan did. In other words, and this conclusion cannot be too strongly emphasized, Glamorgan's mission to Ireland ceases to pose so many problems once the theory has been accepted that the King was determined to lay hands on Confederate troops in spite of Ormond and Protestant opinion.

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1. Cf. the King's letter to the Marquis of Worcester, see above p. 212; in addition, when he wrote a second letter to the Marquis early in January, 1645, he again made glowing references to Glamorgan's labours on his behalf which seemed to suggest that Glamorgan was engaged in very important business (Dircks, op.cit., pp.103-4). The original was among the papers preserved in the muniment room at Badminton.

Whatever the King's thoughts may have been, the only indisputable facts known about his reaction to his dilemma are that he retained Ormond as Lord Deputy and that Ormond proceeded with the public negotiations. Other facts which may or may not have a bearing on the King's reaction are a letter sent to Ormond on 27th December, and a series of strange commissions issued to the Earl of Glamorgan from 1st January, 1645, onwards, culminating in the document produced by Glamorgan as his authority to treat for peace. The King's letter to Ormond ran as follows:

"Ormonde,

My Lord Herbert having business~~es~~ of his own in Ireland, (wherein I desire you to doe him all lawfull favour and furtherance), I have thought good to use the power I have, both in his affection and duty, to engage him in all possible wayes to further the peace there; which he hath promised to doe. Wherefore (as you find occasion) you may confidently use and trust him in this, or any other thing he shall propound to you for my service; there being none in whose honesty and zeale, to my person and crowne, I have more confidence. So I rest,

Your most assured<sup>constant</sup> friend,  
Charles R.

Oxford, 27th December 1644.

His honesty or affection to my service will not deceive you; but I will not answer for his judgement."<sup>1</sup>

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1. Carte, V, pp 7-8. This letter was delivered by Glamorgan, himself, the postscript being not surprisingly in cipher. To its composition the King gave unusual care, as we learn from his exact recollection of it over thirteen months later. See below, pp 463-9



Taken in conjunction with Glamorgan's commissions, this letter has provided historians, at least in their own estimation, with the clues needed to deduce the course of action actually taken by Charles. Those historians who were unaware that Ormond had asked for permission to resign and who therefore, were not concerned with the problem of how, if at all, Charles had replied to his request, have taken Charles' postscript as evidence that Charles was already engaged in secret planning with Glamorgan. The postscript, they maintain, is merely a lie designed to safeguard the secrecy of their relations.<sup>1</sup> Gardiner and Round reason differently, and it is only with their theories that we need deal.

Gardiner reasons that Barry's letter induced Charles to employ Glamorgan in the performance of those tasks which Ormond found it impossible to "be seen in", while refusing to accept Ormond's resignation. The postscript proves that the King could never have entrusted someone of whom he had such a moderate opinion with the intricate and delicate task of concluding a treaty. Charles was now set on "procuring an understanding with the Confederate Catholics upon the terms offered by Muskerry". Some energetic, sincere person was required to influence those who were not of Muskerry's party and to let it be understood

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1. Birch and others either intentionally omitted or overlooked the possible significance of those passages in which Charles implied that Glamorgan should be subordinate to Ormond.

that the laws would not be enforced against the Irish Catholics, even though they remained unrepealed. The fact that Glamorgan's judgment might be defective was not serious, since he would be obliged to submit himself to the control of Ormond.<sup>1</sup> This is a fair interpretation of the facts, but it is not the only one. An equally reasonable deduction, as has been suggested, is that Charles decided that Ormond was the wrong man to conduct the peace negotiations, and determined to grant Glamorgan wide and secret powers to conclude the peace.

The point about relying on Muskerry's terms is too pat. Though aware of them, Ormond still wished to resign, which seems to indicate that he for one was pessimistic about their being adopted by the Confederates as a whole. Nor does the argument about influencing those outside the Muskerry party carry much conviction. How? By what sort of concessions? The kernel of the problem was precisely that someone had to promise to give them practically all they asked for and convince them that he had the King's authority for it. And this was also precisely, as we have seen, what Ormond would neither promise himself, on Gardiner's own admission, nor agree to connive at. A fuller examination of the facts can be given when all the evidence has been exposed. It is sufficient here to stress the point that having taken

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1. Civil War, II, pp.164-5.

events so far in their chronological order, there is nothing to indicate that Charles might not have employed Glamorgan on a secret mission. Moreover, the theory just adumbrated has the special advantage of explaining why Ormond would have struggled on conscientiously with the public peace negotiations throughout the following year, while a secret agent was carrying on a separate negotiation. For, it is to be noted, that whatever was happening under the surface, Charles continued to admonish Ormond to conclude an early peace.

To Ormond's plea for permission to resign there is no evidence that the King ever gave a specific reply. Apparently his one and only acknowledgment of its receipt occurred at the opening of a letter dated January 18th:

"I am sorry to find by Col<sup>l</sup> Barry the sad condition of your particular fortune, for which I cannot find so good and speedy remedy as the peace of Ireland."<sup>1</sup>

Presumably interpreting the absence of a definite order as a refusal Ormond continued in office, no doubt feeling that his position had now been greatly strengthened.

The King's reply to Ormond's request for further instructions with regard to the peace negotiations was prepared on December 15th and given to Brabazon, Tichbourne and Ware to convey to Ireland. Unfortunately these three

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1. Carte, V, pp.9-10.



were intercepted at sea on the passage back by a Parliamentary ship and forced to jettison the King's instructions<sup>1</sup>. Thus it was necessary to draft duplicate orders. These were dated January 18th<sup>2</sup>, conveyed to Ireland by Barry and received by Ormond on March 6th.

It would seem that the King penned two letters; the one intended to be public, the other secret. The public letter is missing<sup>3</sup>, but we have the private letter which was obviously the more important. Its main import was that peace should be despatched out of hand. To secure it the King guaranteed not to enforce the penal laws once peace was made and to have them repealed by Act of Parliament when he had been restored to power with the help of the forces they had promised. For fear that too much might be read into this concession he specified that he was excluding "all those statutes against appeales to Roame and premuniry". Referring to the assurances given by Muskerry, Plunket and Browne he wished them to know that he was delighted with their conciliatory offer and made his present concession as an earnest of his gratitude. This vital concession was not to be divulged except to

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1. Lord Brabazon and others to Ormond, Jan. 5, 1645, T.C.P., XIII, p.181. This unlucky trio were for a term in peril of their lives, being regarded as combatants by Parliament and imprisoned in London. It took ten months to secure their release.

2. Carte, V, pp.9-10. Gardiner refers to the letter of December 15th as though it were the one received by Ormond and not the one lost at sea; Civil War, II, p.164.

3. But see below, p. 268, f.n.2.

the three Confederates mentioned. Obviously the Council were to be kept in ignorance of it, despite Ormond's pointed comments on the absolute necessity of consulting that body. Obviously, too, the King placed great reliance on Muskerry's influence with the rank and file of the Confederacy.

In a letter to Ormond, evidently intended to accompany the King's instructions, Digby underlined the optimism engendered by Muskerry's *démarche*:

"Our princip~~al~~<sup>whereof</sup> hopes of the settling~~of~~ (peace) are grounded ~~upon~~ the last paper delivered in by Browne, which seemes to wave their stiffnes in mater of religion ..."

It was urgent that men and arms be speedily transported to England. A further measure of the Court's expectations of a quick settlement may be gathered from the fact that Digby actually asked how many men would be coming over, what ships would be available for their conveyance and to which Irish ports shipping should be directed from the English side. Plainly the promise to repeal the penal laws was considered quite sufficient to cut the Gordian knot and Charles and Digby were at their usual game of counting unhatched chickens.

Digby's letter concluded with three particular injunctions to Ormond: to retain Clanrickard's support; to try to win back Inchiquin; and to obtain reinforcements for Antrim's forces in Scotland.<sup>1</sup> Shortly after this date

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1. Carte, VI, pp.219-21.

the King expressed his personal view of the importance of Montrose's campaign and sent over Colonel Steward to obtain men and supplies for immediate use in Scotland.<sup>1</sup> Even these were not to be provided.

The feature of the early part of 1645 was indeed Charles' desperate search for reinforcements. At this time Henrietta Maria was negotiating with the Dutch and the opportunist Duke of Lorraine,<sup>2</sup> and the Earl of Glamorgan was provided with several commissions to raise troops. As for Charles, he wrote a series of importunate letters to Ormond, in which he extended his concessions to the Confederates and gave every sign of feverishly staking all on the prompt impact of an Irish expeditionary force on the war in England.

On January 9th he was urging Ormond to make peace as soon as possible, so that "the Irish would send as great a body as they can land about Cumberland", when it was hoped that they might join forces with contingents from Scotland and Wales. He warned that with the passing of Spring it would be most difficult to move troops to England because the Parliamentary frigates would command the sea.<sup>3</sup> In part to counter misleading rumours, in part as a means of inducing

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1. Ibid., pp.225-6.

2. See below, Chapter 8.

3. A point already made by Clanrickard; cf. Clanrickard to Ormond, Janv.4th, 1645, Carte, VI, p.227.



the Irish to settle quickly, he announced that the English Parliament having agreed to treat would almost certainly insist upon maintaining the war in Ireland. This news could be used to influence the Irish in two ways:

"First, to hasten (with all possible diligence) the peace there, the timely conclusion of which will take off that inconvenience, which otherwise I may be subject to, by the refusal of that article, upon any other reason. Secondly, by dexterously conveying to the Irish the danger there may be of their total and perpetual exclusion from those favours I intend them, in case the rebels here, clap up peace with me..."

He did not doubt that there would be peace but he took the precaution of adding in a postscript, that failing peace Ormond was to renew the Cessation for one year,

"For which you shall promise the Irish (if you can have it no cheaper) to join with them against the Scots and Inchiquin."<sup>1</sup>

It is to be noted that while he refers to the Parliament in England as 'the rebels' the Confederates have become respectable - they are now 'the Irish'.

Only thirteen days had elapsed when he was writing again. This was clearly a public letter<sup>2</sup> since, apart from approving of Ormond's conduct of negotiations to date, he went out of his way to state that he could never countenance the repeal of the penal laws! On the other

1. Carte, V, pp.8-9.

2. It is very likely from internal evidence that this was the public letter accompanying the private letter of January 18th to be conveyed by Barry.

hand he was prepared to consent, if absolutely necessary, to the suspension of Poynings' Act.<sup>1</sup>

On February 16th when recommending a petition he cannot forbear reiterating the necessity of hastening the Irish peace.<sup>2</sup> On February 23rd in his name Digby enjoins Ormond to avoid a rupture at all costs should the concessions prove inadequate until

"You can informe the king punctually what will content them, and receive the king's pleasure therein."<sup>3</sup>

And on February 27th Charles sounds desperate; he will have peace "whatever the cost", although Ormond is still to make the best bargain he can and not to disclose the full extent of his concessionary powers unless he has to do so. Yet his qualification rings false. Consider, for example, his insistence that aid should not be spurned "for such scruples, as (in<sup>a</sup> lesse pressing condition) might ~~be~~ reasonably<sup>be</sup> stucke at by me". Moreover, he now makes his concessions explicit:

"Yet I cannot but tell you, that if the suspension of Poinings act for such bills as shall be agreed on betweene you there, and the present<sup>a</sup> taking away of the penall laws against papists by<sup>a</sup> law will doe it, I shall not thinke it a hard bargaine"

Indeed, he will not:

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1. Ibid., VI, pp.233-4.

2. Carte, V, p.12; see also Digby to Ormond, Feb<sup>y</sup>.17, ibid., VI; pp.248-9.

3. Carte, VI, pp.250-2.

"soe that freely and vigorously they engage themselves in my assistance against my rebells (sic) of England and Scotland, for which no conditions can bee too hard, not being against conscience or honor".<sup>1</sup>

Principle was evidently fighting a rearguard action against expediency and losing it. In less than a year the King had come to make a substantial advance on his Oxford terms. But he was yielding too late. The Confederates were about to raise their terms and Ormond was going to be over scrupulous in heeding the injunctions to refrain from showing his hand until he was compelled to do so. How was Ormond to know that the King really expected him to lay hands on the Irish troops at any price and forget about the niceties of honour, protecting his Protestant subjects and all the other sops the King was feeding to his conscience?

The complete failure of the negotiations with Parliament at Oxbridge encouraged Digby to state the King's reliance on Irish aid in the frankest terms. As there was a stalemate in England - presumably Digby could not bring himself to confess that the odds were in Parliament's favour - the King was not merely justified in seeking any helping hand whatsoever but was obliged to do so. Given this obligation, it were far better that he should rely on his Irish subjects rather than foreigners.

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Charles  
1. Digby to Ormond, <sup>Feb. 27</sup>~~March 4~~, 1645, *ibid.* V, p.13.



Hence the vital importance of the 'speedy settlement of a peace.'<sup>1</sup>

While the King's several messengers were making their tardy way to Ireland, Ormond, deeply worried as to what had happened to them and still embarrassed by the impoverished state of his army and his supporters, was trying variously to persuade the Confederacy to send help to Scotland, from where reports were coming in of the splendid bearing of the Irish detachment and the desperate need for reinforcements, and to send powder and other supplies to Chester and North Wales?<sup>2</sup> There were persistent requests from Royalist H.Q. in the North West of England for more men and munitions to which Ormond always paid serious attention,<sup>3</sup> for it was important that the coast opposite Dublin should remain friendly not only to insure that the lines of communication should remain open but also to provide a safe assembly area for the projected expeditionary force from Ireland. Signs are not wanting that the Supreme Council also recognized the strategic importance of North Wales, just as they appreciated the value of Montrose's diversionary campaign in Scotland and could see that the despatch of further Irish reinforcements to his side might

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1. Ibid., VI, pp.251-2.

2. This particular request came from Prince Maurice, Feb.20, 1645, T.C.P., XIV, p.65; Gilbert, IV, p.146; Ormond's reply was dated March 18, T.C.P., XIV., p.158; Gilbert, IV, pp.175-6.

3. Cf. Carte, VI, p.244.

lure some of Monro's forces away from Ulster. Yet they were not very helpful in spite of conveying an impression of good will.

The fact is they would have liked to help, as witnessed by the warmth of their letters to Ormond at this time, by the restoration of his income from his estates, and by a promise to provide Prince Rupert with the powder they had refused at the beginning of the year,<sup>1</sup> but felt that they could not afford to do so. For one thing, they were still not prepared to weaken their chief bargaining counter; namely military aid, without a definitive settlement or some outstanding strategic advantage in return. Another more important reason may have been that they lacked the necessary resources.

It was always assumed by Charles and his advisers, though not perhaps by Ormond, and by Parliament - and, indeed, it has always been assumed by historians - that the Confederates had the means to assist the King but lacked a compelling motive. This may have been a false assumption. A part, if not most, of the time they had no surplus resources. On this occasion Dr. Fennell at first ascribed their inability to give help to two causes: that Antrim was handling the whole business of the Scottish expedition in such a way as to make its success redound to his singular credit<sup>and</sup> that there was a grave shortage of shipping

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1. Bellings to Ormond, Oct.14, 1644, T.C.P., XII, p.456; Gilbert, IV, p.32.

the seamen who had taken part in the initial expedition having had such an unpleasant experience that they were reluctant to hire out their services for a second time.<sup>1</sup> As Ormond observed, these were minor difficulties when placed alongside the gains to be derived from Montrose's continued success.<sup>2</sup>

But may Fennell's half truths have not concealed the whole truth - that Confederate resources, though stretched to the limit, were not even adequate for their own needs? During the Winter of 1644-5 the Confederacy was notifying its agents abroad that in the absence of external aid, it would not be able to reach its declared objectives.<sup>3</sup> In January, 1645, Clanrickard reported to Ormond, with undertones of gratification, that the Confederacy could not maintain itself for much longer.<sup>4</sup> De la Monerie, excusing his failure to hire mercenaries for France, pointed out that the Confederate forces were outnumbered by those of their several opponents.<sup>5</sup> Thus, on those occasions when the Confederacy expressed regret for being unable to aid the Royalists on grounds which were demonstrably specious or when they demanded a quid pro quo, they may have had nothing to give. Of course, to confess at any time that they were unable to help the King was to make nonsense of their negotiations with him. The

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1. Fennell to Ormond, Nov. 2, 1644, Carte, VI, p. 212; Gilbert, IV, pp. 39-40.

2. Ormond to Fennell, Nov. 7, Carte, VI, pp. 213-4; Gilbert, IV, pp. 43-44.

3. Gilbert, IV, pp. 35-37.

4. Carte, VI, pp. 227-8.

5. De la Monerie to Mazarin, Feb. 20, 1645; Gilbert, IV, pp. 147-9. This French agent had arrived at Kilkenny about July 1, 1644.



surprising thing is that once or twice they did so, thereby giving a demonstration of uncommon naivete - or was it cunning? After all, no one would believe in their poverty.

Ormond's negotiations for aid to Montrose began with Antrim. Between them they could not raise a single frigate.<sup>1</sup> The problem of obtaining shipping was so acute that eventually Ormond informed Digby that the bulk of it must come from England.<sup>2</sup>

Next Ormond turned to the Supreme Council. For a while he sensed such a stiffening in their attitude towards him that he asked Clanrickard to inquire into the reason for it. Clanrickard, who was supporting Ormond's efforts to obtain aid for Montrose especially by exerting his influence over the Connaught Council, failed to account for Ormond's unpopularity but painted a black picture of the general malaise at Kilkenny from which he drew the comforting conclusion that Ormond's bargaining power vis-à-vis their own was strong.<sup>3</sup> Whether encouraged by this news or not Ormond displayed unwonted optimism. He informed Montrose that he was confident of an early peace and discussed plans for giving him aid.<sup>4</sup> At the same time he wrote to Digby

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1. Gilbert, IV, pp.57-58.

2. Feb.4, 1645, Carte, VI, p.244.

3. Jan.10., 1645, Carte, VI, pp.228-9.

4. Feb.10, ibid, p.247.

concerning the provision of ships for the Irish expedition to England.<sup>1</sup>

But he soon found that the Confederates were not prepared to give anything away. To his first specific request for reinforcements for Scotland the Supreme Council replied cautiously. Their experience of the previous year had made them realise how formidable an operation would be involved. In any case, as their numbers were thin, they would be unable to give a decision until they were nearer full strength.<sup>2</sup>

A fortnight later, having received a letter of reminder from Ormond, they reported that they had no troops or supplies to spare because of their many commitments. However, they were shortly expecting supplies from overseas, which would put an end to their difficulties and enable them to assist the King in the way proposed. They were careful not to make a precise offer or to mention any dates. Furthermore, by a studiously oblique approach, they made it clear that Ormond would be expected to declare against the Scots, in accordance with the King's wishes, and put the port of Carlingford into their hands. As a final hint that they were aware of bargaining from strength rather than weakness, contrary to Clanrickard's

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1. Feb.4, *ibid.*, p.244.

2. Mountgarrett and others to Ormond, Feb.13, T.C.P.,XIV, p.50; Gilbert, IV, pp.138-9.

opinion, they asked Ormond to refer their requests to the King if he lacked the authority to grant them.<sup>1</sup>

In fact, Ormond was unwilling to defer to their requests. To announce that the Scots were rebels would be to state the obvious, but, because his troops were in no condition to fight, he had not the least desire to precipitate open conflict. Nevertheless, he referred to the King for instructions and informed the Supreme Council accordingly, taking the opportunity of asking them to descend from generalities and explain what aid for the King they had in mind.<sup>2</sup>

One thousand

~~1,000~~ men and no shipping was their brisk reply.

Indicating that they were both suspicious and determined to drive a hard bargain, they repeated their two requests and again called for speedy reference to the King. Having remarked on the striking advantages to be derived from joint action against the Scots they reminded him once more of the promise which the King had made at Oxford.<sup>3</sup>

In the end, however, no reinforcements were sent to Scotland. As a result, for the second time the Confederates approved of levies leaving the country for service in the French army while refusing them to the King.

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1. Same to the same, Feb. 27, T.C.P., XIV, p.97; Gilbert, IV, pp.154-6.

2. Ormond to the Supreme Council, Mar. 3, T.C.P., XIV, p.114; Gilbert, IV, pp.172-3.

3. Castlehaven and others to Ormond, Mar.14, T.C.P., XIV, p.149; Gilbert, IV, pp.173-4.



Owing to the various mishaps which had befallen the messengers between Oxford and Dublin it was not until March 6th that Colonel Barry brought the King's latest concessions to Ormond. On the very day before, the Confederates had requested a further month's grace before resuming talks. He had arrived dangerously late.

For, at Kilkenny, the waning of the King's fortunes during the six months that had elapsed since the last adjournment was having its inevitable effect. Even the Ormondists were less anxious for an immediate settlement in expectation of extracting better terms from the King as his situation became more desperate. Thus, on the eve of the re-opening of negotiations the Supreme Council could inform the Nuncio to France that they did not anticipate agreement because they would refuse to betray the Church's interests.<sup>2</sup> And when the Commissioners<sup>3</sup> arrived in Dublin on April 10th, having grudgingly accepted Ormond's rejection of a further postponement until May 10th,

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1. Initially the negotiations had been put back to January 10th. They were then postponed further until February 10th; T.C.P., XII, p.210; Gilbert, IV, p.117. Upon Barry's arrival Ormond proposed re-assembly on March 18th, but the Commissioners indicated that they could not, or would not, report until April 10th; Ormond to Digby, Mar.28, Carte, VI, p.272.

2. April 10, Gilbert, IV, pp.207-9.

3. Their commission was issued on April 5th, T.C.P., XIV, p.205.

they were one short of their statutory number and a whole week passed before they reached full strength. The four to arrive punctually were Muskerry, Robert Talbot, Plunket and Dermot O'Brien: the missing one was, surprisingly, Geoffrey Brown, whose presence was also essential so that Ormond might communicate to him, Plunket and Muskerry the King's message of 15th December.<sup>1</sup>

At Ormond's request both Clanrickard and Thomond attended the conference (the latter towards the end) with a view to exercising a moderating influence. This, so Ormond later reported,<sup>2</sup> they did successfully.

When discussions began, it soon emerged that the Commissioners could make no binding commitments without the approbation of the next general assembly which was summoned for May 15th. Nevertheless, they wanted Ormond to consider their propositions and to make the most generous counter-propositions possible in the hope, as they claimed, of being able to coax a majority in the Assembly into accepting them.

There was a pronounced hardening in these propositions. Notably, they proposed for the first time that the King's agreement to allow them access to places of honour and profit should be so interpreted as to mean that all offices

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1. Cf. Ormond's report, May 8, Carte, VI, pp.278-83.

2. Ormond to Digby, May 8, *ibid.*, p.284.

should be divided equally between Protestants and Catholics. This particular suggestion was utterly rejected by the Council which otherwise was conciliatory. The King's word for not enforcing the penal laws was guaranteed and a number of concessions relating to agrarian and legal rights and the reduction of rents were made. The Court of Wards would be abolished in return for a fixed annual subsidy to the Crown of £12,000. To suspend Poynings' Act in the manner prescribed would not be necessary since the King swore that 'the bills which shall be agreed upon in the Treaty are to receive no change ... being done by vertue of his Majestie's comision under the greate seale'. The Roman Catholics themselves should act as judges in cases concerning persons indicted for crimes exempted from an Act of Oblivion.<sup>1</sup>

Acting on the King's instructions Ormond had a private meeting with Muskerry, Browne and Plunket before the conference began, at which he relayed to them the King's message of December 15th. To his astonishment he was informed that they had already been given a paper promising repeal of the penal laws as far back as the Oxford Treaty. However, there had been a proviso attached that they should only show it to the members of the Supreme Council. This restricted circulation robbed the concession

2. Cf. T.C.P., XIV, pp.263;264; 280; Gilbert, IV, pp.242-8.



of any value since they could do nothing without the sanction of the Committee of Instructions and the General Assembly.

So suspicious was Ormond of their claim to have received the paper at the King's own hands that he asked to see it in order to make a comparison with his own instructions on the subject. Poor Ormond! Once again an important step had been taken behind his back. And yet, as usual, he uttered no direct protest and discreetly neglected to record the findings of his comparative studies for the King's benefit. Instead, with his own brand of subtlety he refrained from mentioning that he was authorised to repeal the penal statutes, in spite of the fact that the King's intention of giving way to the Confederates was now only too obvious. In handling <sup>a</sup>situations of this kind his sangfroid was exceptional. The only sign of uncertainty occurred in the apologetic preamble to his official report.

For this omission he gave the reason that it would have been unwise to play such a strong card when the Commissioners had no mandate to conclude a treaty on the spot, since at the next round of negotiations they would have regarded it as a prize already won and raised their stakes. This odd episode provides ammunition for the charge that Ormond was really bent on obstructing the treaty all the time, his main object being to shatter the

solidarity of the Confederates and thence make himself the head of a broadly based Irish party consisting of the Royalist Protestants and the Anglo-Irish and their dependants. Now it was fair game for Ormond to try to split the Confederacy; indeed, it is surely arguable that it was no less than his duty to do so. The charge of deliberately impeding the peace is, however, another matter. But can it be substantiated in this instance. According to the King's own instructions he was prohibited from disclosing this concession unless it were the only way of reaching agreement. It was only common sense to conceal it when it could have no decisive effect. It is true, of course, that the latest disclosure of the King's lighthearted capacity for dissimulation indicated that he did not intend his protestations of protecting his honour to be taken <sup>too</sup> ~~over~~ literally. But as Glamorgan was to discover, carrying out what you knew to be the King's real intentions was no guarantee that you could count on his support if your schemes went wrong. Moreover, Ormond had to deal with the Council and the Protestants on the spot; the King did not. And, as Ormond pointed out, the Council would never approve of the repeal of the penal statutes; particularly as they had no knowledge of the King's private instruction to himself - indeed, they only knew of the exception to it, because he had been obliged to show them the King's letter of December 15th. At the

very least the King must issue an explicit directive. Besides, unlike the King, who believed that to sign a treaty was all, Ormond was looking beyond, for what earthly use would such a treaty be if the Protestants in Ireland were promptly to reject it? The King's condition would be worse than before.

In any case Ormond, for once, was optimistic that the concessions he had just offered were sufficient in themselves. For example, it was unlikely that they would continue to press for the repeal of Poyning's Act now that they had accepted his argument that it was unnecessary. And though it were true that they had raised this new question of parity in the distribution of state offices, he did not think they would insist upon it. He had taken note of the King's desire for a cessation of one year and sounded the Commissioners. Doubtless such a prolongation could be arranged but he advised against it. Then followed a curious statement: "I conceive I am able to ruine their supreamacy by deviding their party". But to do this would in no way profit the King's cause!<sup>1</sup>

On May 6th, the conference over, the Commissioners prepared to leave for Kilkenny with expressions of good will and the promise that they would ~~ause~~ use all their influence at the impending session of the General Assembly to gain acceptance of the concessions they were conveying to it.<sup>2</sup>

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1. Ormond to the King, May 8, Carte, VI, pp.278-83; cf. also Ormond to Digby, *ibid.*, pp.283-5.

2. *Ibid.*



Talks were to be resumed at the end of the month or when fresh instructions were received from the King. Clanrickard accompanied the Commissioners in order to throw his weight on the side of the peace party. Ormond also relied on the pre-arranged support of several members of the Assembly.<sup>1</sup>

So crucial and so provocative of lengthy argument was the debate expected to be that the Commissioners, on their return to Kilkenny, recommended an extension of the cessation to Ormond.<sup>2</sup> They were right to do so, for although they began their report on May 15th<sup>3</sup> the general debate was not opened until May 27th and it was protracted.<sup>4</sup> Oddly enough, Clanrickard did not blame the Assembly for the initial delay but rather the Commissioners for their clumsy handling of the report. Even so, he agreed with them that it would be necessary to prolong the cessation until June 20th.<sup>5</sup> In the event, the cessation was first extended until June 18th<sup>6</sup> and thereafter until July 9th.<sup>7</sup>

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1. Ibid.

2. May 11, T.C.P., XIV, p.391; Gilbert, IV, p.248.

3. The Assembly adjourned on July 5th, reconvened on August 7th, and was dissolved shortly after September 9th.

4. Clanrickard to Ormond, May 26, Carte, VI, pp.291-3.

5. Ibid.

6. Gilbert, IV, p.271.

7. Ibid., p.281; eventually the cessation was extended until August 15th, *ibid.*, pp.358-63.

As expected the Assembly were quite satisfied with Ormond's political proposals but displeased with those concerning religion. Indeed, in Clanrickard's opinion, there could be little hope of peace unless the penal laws were repealed. He chose to add that he could see no valid reason for opposing repeal if aid were really expected from the Irish. And to make his point quite unambiguous he stated that whereas peace would immediately follow the repeal, failure to agree to it merely furnished effective propaganda to the anti-peace party.

Clanrickard had to report that an even more serious difficulty than the repeal of the penal laws had suddenly emerged. This was the question of the restitution of the churches in Confederate hands. It would be wise to postpone restitution until all the agreed concessions had been formally ratified by act of parliament; or, better still, to omit the subject altogether from the negotiations. One reason for this omission in the view of the Confederates was that aid from abroad would be withheld should they agree to restore the churches.<sup>1</sup>

This vital issue was thrust into the forefront of debate by Congregation which, in accordance with established custom, was sitting at the same time as the Assembly. On May 25th Congregation considered a query put to it by several conveniently anonymous members of the Assembly -

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1. Carte, VI, p.292.

What was the minimum satisfaction for the Church required by their oath of association? After deliberating for several days, Congregation, which included the four titular Archbishops, seven bishops, and twenty one others, ruled that it necessitated writing into the final treaty a special article:

"for keeping in their hands such churches, abbeys, monasteries, and chapels as were in their possession".<sup>1</sup>

In reply to further questions addressed to it on June 2nd Congregation declared that no one could support any peace with a clear conscience so long as Protestant bishops were to sit in Parliament and exercise spiritual jurisdiction while the Catholic bishops were denied such privileges.<sup>2</sup>

In order to safeguard the clergy's interests, Congregation nominated the bishops of Waterford and Clogher together with Dr. Walter Lynch and Father Nicholas French, soon to be bishop of Ferns, to sit as a committee throughout that particular session of the Assembly.<sup>3</sup>

It is obvious that the questions had been put deliberately to elicit prearranged answers, so that the clergy would be enabled to influence the course of the debate in the Assembly without leaving itself open to the charge of being authoritarian. The manoeuvre was successful, for a majority in the Assembly supported the

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1. Resolution of Convocation, June 1, Gilbert, IV, pp.270-1.

2. Com. Rin., I, pp.524-9.

3. Ibid., p.531.



declarations of Congregation, in spite of the argument of Muskerry and his followers that their formal adoption would prohibit a settlement.

Finally, on June 9th, the Assembly resolved:

"... as to the Marquis of Ormond's demand for the restoring of the churches to the protestant clergy, the Com<sup>rs</sup> should give an absolute denyall to it, and the Comitee of Instrucions are to prepare an Instrucion to this effect."<sup>1</sup>

This did not please either those who had compiled the original instructions or the Commissioners who had been to Dublin, since it implied that they had broken their oath, and they insisted indignantly that the ruling should be revoked. The Clergy had no choice but to refuse, yet they did relent so far as to declare that no one was being accused of perjury. Tempers still flamed in the Committee whose members vowed to break off relations with the Clergy and bother themselves no further either with peace or war unless they were given more appropriate satisfaction.<sup>2</sup>

Keen as ever to mediate, Clanrickard proposed a way out of the difficulty. Ormond, on his side, should be asked to waive his insistence upon the restitution of the Protestant churches pending the declaration of Peace, and the summoning of a free Parliament. At that time, the Protestant Church would automatically receive back its property according to the laws of the land.<sup>3</sup> This solution

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1. Com. Rin., I, p.529; Gilbert, IV, pp.278-9.

2. Com. Rin., I, pp.531-5.

3. Clanrickard to Ormond, June 4, Gilbert, IV, pp.278-9, Carte, VI, pp.297-8.

lacked appeal since it left out of account the principal point on which the Catholic Clergy now stood firm - that they should never surrender the property which they believed to be rightfully theirs.

In the end, the Clergy, while refusing to retract, stated that it would not be an offence against conscience if the special article were excluded from the peace treaty, provided that the effect of keeping possession of the churches remained the same. Honour was appeased, but the peace party were hamstrung, for everyone realised that this proviso amounted virtually to a veto.<sup>1</sup>

This issue - for Clanrickard 'this greate rocke, that threatens shipwracke both to his Majestie's and all men's interests in this Kingdome',<sup>1</sup> - was the most intractable obstacle to peace, in a situation already bristling with difficulties, that had yet emerged, though it had been obvious from the beginning that eventually the clergy would adopt such an unequivocal stand. And, of course, the longer they enjoyed possession of the former Protestant property, the less inclined were they to surrender it. Besides, the news from England was so full of the King's declining prospects that supporters of a moderate peace were struggling against a rising tide of extreme demands.<sup>2</sup>

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1. Carte, VI, pp.297-8.

2. In the Plunket-Dunne MS. - always hostile to the clergy - the issue is clearly stated from the Ormondist point of view: "The Irish had imprudently from the first took the church livings from the Protestants which in justice and duty to the King they should not, and not keeping 'em in their own hands for support of the war had given them to their Bishops and clergy who had lived before on the laity's charity, and had they still done would have been dependant on their will and management." op.cit., p.776.

In his reports to Ormond of the trend of the great debate at Kilkenny, Clanrickard showed himself unwontedly sympathetic to the Church's point of view. Indeed, his long stay at Kilkenny and his close attention to the arguments passing to and fro would seem to have strengthened his concern for Catholic interests. He put it to Ormond that the Confederates could not be expected to surrender their churches, though many of them would not resist if the King were to order their seizure. For the time being the whole matter ought to be waived. With the intention perhaps of influencing Ormond to make a favourable reply, he reported that Plunket and the Committee of Instructions had declared their intention of providing the King with the promised 10,000 troops should peace be arranged; moreover, they were now in a position to furnish some of the necessary shipping.<sup>1</sup>

Ormond was evidently put out by the time being consumed in debate at Kilkenny, since he considered that the political concessions were very generous and framed in such a way as to lend themselves to rapid acceptance. Honesty compelled him to admit the limited scope of the religious concessions. But there was nothing further he could do to extend them. The new issue concerning restitution of the Churches struck him with unpleasant surprise and for once nettled him. Tartly he observed

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1. Carte, VI, pp.297-8.



that there were other people besides the Confederate Catholics with tender consciences. The tone of his remarks indicated that he underestimated the strength of religious feeling informing the debate. For him it was a quibble about whether the churches should be restored in a matter of weeks or a matter of months, when the fundamental question was whether they should be restored at all. In his replies to Clanrickard he set his face against any further religious concesssions<sup>1</sup>.

The raising at last of the question of ownership of the churches marked the end of any prospects for a peace to which Ormond should be one of the signatories. Either he must cease to be the principal negotiator or some other agent must yield this point on the King's behalf. As has been indicated, it was not practical politics to dismiss Ormond. It must be<sup>a</sup> resort to the second alternative or nothing.

For the moment, the King revealed his anxiety to placate both Ormond and the Confederates at the same time. On the one hand he warmly approved of the conduct of negotiations by Ormond and the Council - for whom Ormond himself had specifically requested some such praise, presumably because he had been uneasy about the warmth

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1. Ormond to Clanrickard, May 29, p.294; same to the same, June 9, *ibid.*, pp.298-9.

2. The King to Ormond, May 22, *ibid.*, p.289.

of their support.<sup>1</sup> On the other, he instantly waived the restriction on conceding repeal of the penal laws expressed in his public letter of January 22nd.<sup>2</sup> There were several other straws in the wind to indicate that his anxiety to please the Confederates remained acute. On May 13th he ordered that Clanrickard be admitted to the Privy Council and that to make this possible the oath of Supremacy be waived and a novel formula devised. This appointment, and the preparation of a special form of oath for Catholics could not fail to encourage the Catholics at a time when they had just uttered a demand for Crown offices to be distributed equally between Protestants and Catholics. It was followed on ~~22nd~~ May 22nd by the issue of letters patent to Ormond for passing on to selected Confederates as governors of the forts and towns they were to hold under the terms of the treaty.<sup>5</sup> On the day before, Charles had written to Ormond:

"... to desyre you to make the best bargaine you may; yet soe that you doe not endanger the Irish peace, the effecting of which is of soe absolute necessity for my affaires."<sup>6</sup>

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1. Ormond to Digby, May 8, *ibid.*, p.283.
  2. King to Ormond, May 13, 1645, Gilbert IV, p.lviii; Digby to Ormond, May 21, *ibid.*, pp.287-9.
  3. T.C.P., XIV, p.310.
  4. *Ibid.*, p.311.
  5. Carte, VI, pp.290-1.
  6. *Ibid.*, V, p.14.

The calamity of Naseby had still to come!

Having made its fateful resolution to insist upon retaining the churches, the General Assembly issued a fresh commission to its delegates on June 13th.<sup>1</sup>

Negotiations re-commenced at Dublin about June 19th and dragged on with little positive progress to record until they were again adjourned at the beginning of August.

As expected, Confederate demands exceeded any that they had previously made. The amnesty must be complete. All the laws against Roman Catholics should be repealed including not merely those passed since the reign of Henry VIII, but also the Acts of Provisos and Praemunire passed in the reign of Richard II. Special emphasis was laid on exemption from the jurisdiction of the Protestant clergy and freedom from the threat of impeachment or interrogation for Catholic priests. The lands in Wicklow and Wexford should be restored to their former owners while any person who considered that he had been ill-treated by the plantations of James I should petition Parliament and obtain relief. The churches now in their possession should be neither asked for nor expected from them. Forts and towns should remain in their hands. Their present system of government should be preserved until all their demands had been satisfied by Acts of Parliament. They should

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1. Gilbert, IV, pp.279-80.



have an equal share in terms of member and influence in affairs of state and their own universities and schools. All privy councillors, judges and magistrates must swear to observe the articles of peace. Poynings' Act should be suspended and an Act of Parliament should be passed stating that the articles of peace should never be repealed.<sup>1</sup>

During the session Ormond was firm but conciliatory.<sup>2</sup> He yielded on a number of points. Thus, on July 7th, the Irish Board of Judges being consulted ruled that the statute of 2 Elizabeth, Cap.1, did not mean that priests saying mass were liable to imprisonment or fines.<sup>3</sup> He consented to what was virtually a comprehensive act of oblivion, to the limitation of the Wiceroys' tenure of office, to waive the King's right to customs dues collected since October 23rd, 1641; he agreed that there should be no discrimination against Catholics in making appointments to public office, but made no reference to the plea for numerical equality between Catholics and Protestants;<sup>4</sup> he agreed that acts prejudicial to Catholics passed since August 7th, 1641, should be abrogated, that the council should confine itself to matters of State, that the Courts

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1. For the details of the proposals and counter-proposals exchanged, cf. T.C.P., Vols XIV and XV.

2. That is, from his point of view: "the Roman Catholique party have gained more liberty and security to themselves in the freedom and exercise of their religion than they had at any time since the making of the Statute of 2<sup>o</sup> Elizabeth."

3. T.C.P., XV, p.132.

4. Digby had written to say that the King was shocked by this suggestion, Carte, VI, p.288.

of High Commission should be removed by Act of Parliament, that the Confederates should be allowed to enrol 4,000 troops and 600 horse in the Royal Army and keep certain strongholds, and that

"the Acts to be agreed on, in this Treatie may receive no alteration or diminucion here, and if they must of necessity be transmitted into England that they may receive no alteration or diminucon there".

But over the principal religious points in dispute - retention of the churches and repeal of the statutes against papal jurisdiction - he would give no ground.

Nor, for that matter, would he give way to all the political demands; he refused, for instance, to agree to the rescindment of the plantations of Wicklow and Idough.

In his view - expressed in one of his replies to the Commissioners - if all the Confederate demands were conceded,

"not only his Maj<sup>ty</sup> would bee disinherited, of a greate parte of his Royal iurisdiction prerogatives, and power: But his Protestant B<sup>sh</sup>s and Clergie and all other his Maj<sup>ties</sup> Protestant Suiects would bee deprived of their lawful iurisdctions, priviledges and rights, And a forraigne iurisdiction would be sett up w<sup>ch</sup> would bee independent of his Maj<sup>ts</sup> Royall authoritie ..."

Besides which, there would be continuous dispute as to the nature of the King's sovereignty.<sup>1</sup>

Limitation of the King's sovereignty was, of course, the necessary precondition of any settlement and it was futile to pretend that it could be avoided. Even so,

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1. T.C.P., XV, pp.188-9; Gilbert, IV, pp.346-7.

Ormond may have been goaded into writing in such strong terms, for the Commissioners would seem to have put their arguments stiffly. Once again it is hard to condemn them. Not only were they inhibited by the General Assembly's ruling of June 9th with regard to retention of the churches, but their conduct of negotiations was being sniped at. More and more critics were taking the not unnatural view that the Confederacy was gaining nothing by the protracted negotiations with Ormond. The criticism became so clamorous that on July 4th the Supreme Council published an ordinance forbidding 'declarations and protestations ... touching the condition upon which the new peace is to be concluded or was continued'.<sup>1</sup> They had other reasons for being tough. Bellings was now abroad on his begging mission and it was hoped that they would shortly receive substantial aid.<sup>2</sup> They had also heard of the disastrous defeat at Naseby on ~~January~~ <sup>June</sup> 14th and would have been more than human had they not sought to exploit the King's fatal weakness. There is also a possibility that they suspected Ormond of withholding some of the concessions that he was empowered to grant. Once they announced on July 30th:

"Wee intend [if yo<sup>r</sup> Excellence be not fully authorized therein] further to supplicat his Ma<sup>tie</sup>, for the graunting of our desires..."<sup>3</sup>

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1. C.S.P. Ireland, p.404; Proclamation of Supreme Council.
  2. Cf. Gilbert (Bellings), IV, pp.2-4.
  3. T.C.P., XV, p.192.



They also complained on July 18th that the King's position was getting worse through the delay.<sup>1</sup> For all that, they had now been guaranteed, as Muskerry admitted, all they could expect by way of military, juridical and political concessions.

Shortly after Naseby, the King had sent Ormond an anguished letter:

"The late misfortune makes the Irish assistance more necessary than before. For if within these two months you could send me a considerable assistance, I am confident that both my last loss would soon be forgotten, and likewise it may, by the grace of God, put such a turn to my affairs, as to make me in a far better condition before winter than I have been at any time since the rebellion began."<sup>2</sup>

At the same time, in similar vein, Digby stated that the Court took for granted the conclusion of a treaty.<sup>3</sup> No evidence supported this report which is yet another example of the Court's utter failure to understand the Irish situation - not to mention the worthless intelligence received at Oxford.

As usual after a major reverse, the King looked to Ireland for rescue without reckoning with the difficulties. On June 26th he dispatched Daniel O'Neill to Ireland in an urgent search for supplies and informed Ormond that he was presuming peace had been arranged. Provided only that he had

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1. Ibid., p.166.

2. Cal. Cl.S.P., I, p.267; Carte, V, p.14.

3. Ibid., VI, pp.301.2.

sufficient supplies, Ormond was to come over to England.<sup>1</sup> Digby further explained that O'Neill was to go by way of Cornwall in order to hire ships for the troops.<sup>2</sup> Two other gentlemen, Colonel Fitzwilliams<sup>3</sup> and Sir Marmaduke Langdale, were also bound for Ireland. The latter was governor of North Wales and the commander of the northern cavalry. Apparently, his errand, at the instigation of Prince Rupert, was to discuss a plan for landing Ormond's foot in North Wales where they should join forces with Langdale's own cavalry.<sup>4</sup> On July 13th Digby reported fancifully to Prince Rupert:

"... and that the news be true... that my Lord of Glamorgan is landed in Anglesea with a very great body Irish"<sup>5</sup>

A week later he was telling Ormond how exceedingly anxious the King was for foot artillery and ammunition from Ireland. "ere this", he hoped, "transports have set out from thence with them".

Following his heavy defeat at Naseby the King's situation was indeed desperate. That he relied absolutely on receiving relief from Ireland is finally confirmed by the fact that he moved the remnants of his army into South

1. Ibid., V, p.15.

2. Ibid., VI, pp.302-3; see also Ibid., pp.303-5.

3. Ibid., VI, pp.302-3; see below pp.304-12.

4. Ibid.

5. Warburton, op.cit., III, p.143.

Wales and temporarily set up his H.Q. at Raglan, seat of the Earl of Glamorgan's father, the Marquis of Worcester. Apparently this plan was to recruit there while relying on Goring to hold his own in the south west and awaiting the arrival of the expected Irish contingent. Once the Irish had joined forces with his own he might return to the offensive.<sup>1</sup> Nevertheless, when he received Ormond's account of the Confederates' latest set of demands he went out of his way to assert his steadfastness to his avowed principles; thus he would:

"suffer all extremity, rather than ever abandon his religion, either to English or Irish rebels, and commanding him (in case the Irish so unworthily take advantage of his weak condition, as to press him to what he could not grant with a safe conscience, and, without it, to request a peace) to procure, if he could, a further cessation; and if not, to make divisions he could amongst them, and rather leave it to the chance of war, than to give any such allowance of popery, as must evidently bring destruction to that profession, which by the grace of God he should ever maintain through all extremities!"

He could see fit to relax only in so far as to permit Catholics to have their own chapels in such places where they were in the great majority.<sup>2</sup> Not content with assuring Ormond of the purity of his conscience, at the same time he instructed Digby to write to Muskerry and the other Commissioners who had attended the Oxford Conference to the same effect:

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1. Digby to Ormond, June 19, Carte, VI, pp.307-2.

2. July 31, *ibid.*, pp.305-6.



"... if nothing would content them but what must wound his (the King's) honour and conscience they must expect, that howe low soever his condition was, and how detestable soever the English rebels were to him, he would in that point join with them, the Scots, or with any of the protestant profession, rather than do the least act which might hazard that religion, in which and for which he should live and die."<sup>1</sup>

These ostentatious declarations of principle, above all the threat to have recourse to the Scots, whose opposition was the initial cause of all his troubles, were all the more remarkable in that he found himself now in a state of despair. As Digby reported to Ormond, the situation was rapidly going from bad to worse. The future course of the struggle now turned entirely on the immediate receipt of aid from Ireland.<sup>2</sup> In the light of this, Charles absolutely commanded Ormond personally to bring over whatever forces he could scrape together and to let Ireland take its chance during his absence.<sup>3</sup> Again, while chiding Muskerry and his colleagues for neglecting the fair promises made at Oxford, and forcibly reminding them that the King's ruin would spell their ruin also, Digby frankly admitted that the King had suffered for lack of their aid and now stood in desperate need of it.<sup>4</sup>

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1. August 1st, *ibid.*, pp.309-10.

2. *Ibid.*, August 2nd, pp.306-9.

3. *Ibid.*, July 31, pp.305-6.

4. *Ibid.*, Aug.1, pp.309-10.

On the face of it the King's insistence upon standing by his principles at a time when defeat at last seemed certain proves that he could never have been guilty of the double dealing of which he is usually accused. But there are one or two facts to be considered which must give one pause. To begin with he protested too much. There was, for example, no need to drag in the threat of resorting to the Scots. Besides, his tender regard for integrity was hardly likely to impress the Confederate Commissioners who already had two examples of his willingness to make secret concessions to his Catholic subjects in Ireland - the promises to join with them against the Scots in Ulster and to repeal the penal laws. Moreover, there is irrefutable proof that they had reason to reject his defence of principle inasmuch as they agreed to become partners to the Glamorgan Treaty with its total surrender to their religious demands after having received Digby's letter.

However, the most significant fact is that his letters to Ormond and Muskerry coincided with a letter to Prince Rupert in which he made a similar declaration, apparently in order to give the lie to a rumour or, indeed, charge that he was contemplating coming to an agreement with the Irish on their terms.<sup>1</sup> With the evident intention of

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1. The kind of disturbing propaganda which obliged him to defend himself is illustrated by this report from the Committee of the House of Lords and Commons at Westminster: "Lord Broughill was enjoined to make an offer for bringing over from Ireland distressed Protestants who preferred dying elsewhere to making peace with the Irish." G.S.P.I., p.405.

dispelling any ~~surprises~~ which Rupert or any 'honest man' might entertain he was sending Rupert a copy of the letter addressed to Ormond. It may legitimately be asked if this letter, though addressed to Ormond, was not written for the benefit of 'honest men'. The exact worth of Charles' notion of what was honourable was further revealed in the letter to Rupert, whose attention it could scarcely have escaped. For, having defended himself from the charge of lacking integrity, he added:

"As for the Irish, [I] assure you, they shall not cheate me; butt it is possible they may cousin themselves; for bee assured, what I have refused to the English I will not graunt to the Irish rebells, never trusting to that kind of people (of what nation so-ever) more then I see by their actions."<sup>1</sup>

These were the people on whom he counted to save him from 'defeat at the hand of Parliament'!

Before these several letters from the King and Digby had reached Dublin, the Commissioners had already returned to Kilkenny where they were to report on the treaty proceedings to a General Assembly convening on August 8th. They had agreed that the negotiations should continue pending receipt of further instructions from the King in the light of Ormond's latest report.<sup>2</sup> Meanwhile, the Cessation was to be further prolonged from July 31st to August 15th.<sup>3</sup> To the last they

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1. August 3, Carte, VI, pp 311-12; Warburton, lll, pp.150-1.

2. T.C.P., XV, p.197; Gilbert, IV, p.351.

3. Ibid. pp.358-63.



had bargained hard. On August 3rd, for instance, they reminded Ormond that he had neglected to comment on this demand for equality in the distribution of state offices.<sup>1</sup>

To facilitate procedure at Kilkenny, Ormond prepared a simplified brief of the concessions he had made; which the Commissioners agreed to present to the Assembly. The concessions were listed under four heads:

- (i) Exemptions from penalties and incapacities incurred through the practice of their religion.
- (ii) Appointments to various offices.
- (iii) Conferment of places of honour and profit.
- (iv) Agreement to redress various alleged grievances.<sup>2</sup>

Ormond thought them generous.

By contrast Muskerry provided a first-hand report of the state of opinion at Kilkenny when replying to Digby's letter of July 31st. Whereas he purported to be a faithful mouthpiece of the views of others, he wrote with a cutting edge that could only be personal. His letter, remarkable alike for its frankness and its skilfully restrained exposure of the King's irrational defence of principle, is all the more important since its author was the acknowledged leader of the peace party.

According to Muskerry there was general astonishment at the King's declaration that he was fighting principally in defence of the Protestant religion; a defence based on

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1. Ibid., V, p.41.

2. Ibid., V, pp.45-52.

utility or thorough would have gained a readier acceptance. This really meant that he preferred to retain the support of those Protestants who were still loyal rather than to win over the Catholics whose capacity to give assistance exceeded that of all the Protestant Royalists put together. Moreover, if honour compelled him to abide by his promises to the Protestants rather than to the Queen, they had been misled:

"for either the King has profest more to the Queen, or the Queen, (which has some influence upon his Honor) has profest more to us than was just for her to do in the King's name."

On the key issue of conscience Muskerry next contributed a withering analysis. The King's plea of conscience was either genuine or feigned. If genuine, then how could he be trusted to keep his current promises when 'a Protestant casuist will easily unloose his Conscience'? On the other hand, if feigned, how could any one trust him!

The Confederates had always believed that the King was a Catholic at heart forced to dissemble for reasons of state. They had considered, that is, that the current flowed steadily in their favour. The sudden declaration of faith in Protestantism upset this belief and left them uncertain. Why, they asked, should the King surrender to the essential request for freedom of worship, and yet decline to agree to their possession of churches in which to worship? Why object that their priests should not enjoy more freedom and better accommodation? The King's estimate of their

religion must be indeed low.

The threat of joining with the Scots struck an unpleasant note. But it did not di-smay them. They could always seek aid and protection elsewhere.

As to the charge that they, and particularly the Commissioners to Oxford, had enlarged their original demands, Muskerry could only retort:

"For had we received lesse satisfaction in due season, before we had expended so much blood, time and treasure in this warre, it had been equivalent to a greater proportion now given us."1

This letter assumes unusual significance when it is realized that the Confederacy were very shortly to sign the Glamorgan Treaty. Evidently Muskerry and his colleagues saw fit to be persuaded by Glamorgan that the King's declaration of faith was feigned and his sympathy for the Catholic Church unchanged.

On leaving Dublin, the Commissioners travelled with Clanrickard, as before, and with the Earl of Glamorgan who had taken part in the final stages of the negotiations.

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1. Muskerry to Digby, Collection of Pamphlets, 1645, B.M., E.300.



## CHAPTER VII

### The Glamorgan Treaty.

In the summer of 1645 two men came to Ireland with instructions from Charles I to carry Irish Confederate troops back to England. Both were Catholics, the one Anglo-Irish, the other Anglo-Welsh. They were Colonel Oliver Fitzwilliam and the Earl of Glamorgan. Yet neither seemed aware of the other's intentions and initially at least, they did not cross each other's paths.<sup>1</sup> The evidence relating to Glamorgan's mission is incomplete, that to Fitzwilliam's is exiguous. As Fitzwilliam's career as a negotiator was brief as well as utterly abortive and his part in Irish affairs otherwise insignificant, it will be convenient to deal with him first.<sup>2</sup>

The son of Thomas Fitzwilliam, Viscount Merrion, and the brother-in-law of Preston, he was a professional soldier and had seen much service under the French flag in Flanders, where, apparently, he had long experience of recruiting and commanding Irish troops.<sup>3</sup> He had been in

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1. Before the end of the year they had obviously met and found that they shared common interests; cf. Glamorgan to Ormond, T.C.P., XVI, p.140.

2. I have pieced together the ensuing account of his embassy almost entirely from the correspondence contained in Digby's baggage captured at Sherborn.

3. Jermyn to Digby, May 18, Husband, pp.853-5.

touch with O'Hartegan, the Confederate agent in Paris, at least as early as November, 1644<sup>1</sup>, and, some time later, probably in March of the next year, he put forward certain propositions to Henrietta Maria who had by this time established her court at St. Germain?<sup>2</sup>-

- i. If she would prevail upon the King to give way to the Confederate terms, "at least in private", he would proceed to Ireland and there raise ten or twelve thousand troops for the King's service in England.
- ii. For the sum of £10,000 he would undertake to provide the necessary arms and ships.
- iii. Upon landing in England money should be advanced for one month's pay for the troops.
- iv. He should be Commander-in-Chief.
- v. Under no circumstances should the Confederate force be split up.
- vi. The force should be supported by cavalry of whom 2,000 should be mustered at the landing place.<sup>3</sup>

It is evident from a later reference that Fitzwilliam construed the Confederate terms, which he described as 'just', as including complete toleration, a free parliament, and the removal of incapacities.<sup>4</sup> Whether he made this clear to Henrietta Maria is not certain. At any rate she accepted his proposals, put her signature to them, and sent him to the King with a very warm blessing.

This marked the beginning of a characteristically

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1. Cf. Clar. S.P., II, p. 177.

2. Her dealings with the Confederacy while in Paris are described in the next chapter.

3. Fitzwilliam's Propositions, Husband, p. 861.

4. Fitzwilliam to Digby, *ibid.*, pp. 856-7.

futile adventure.

As a personal safeguard Fitzwilliam had insisted that the King should keep the document signed by the Queen and issue in its place a copy ~~sub~~signed with the royal **hand signature** which he would take with him to Ireland. The plan was obviously thought out in some detail in Paris and by a number of people; the Marquis of Newcastle, for one, knew of it and suggested that he might be the most suitable person to command the cavalry which was to meet Fitzwilliam when he put ashore in Lancashire.<sup>1</sup>

Jermyn's careful phraseology in writing to Digby about the scheme on the Queen's behalf suggests that it was supported by no great optimism. Twice he referred to its being contingent upon the King's approval. "The Queen", he interpolated, at one point, "doth approve of, but not as a thing to be much relied on, for it is a great thing that will remain to be done on the Collonels part". The King was not to interpret the Colonel's stipulations too literally, for, Jermyn implied, he made them to strengthen his hand in dealing with the Confederates rather than because he expected them to be fulfilled. Jermyn's style is here, as so often elsewhere, obscure, but he would seem also to suggest that the Queen sponsored Fitzwilliam so as to avoid giving him offence and thereby

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1. Whereas Glamorgan proposed to make a landing in Wales, Newcastle thought that Lancashire was the only possible place.



deter other would-be helpers from coming forward.<sup>1</sup>

Even allowing for Jermyn's disparaging remarks, the Queen's decision to sponsor Fitzwilliam remains curious. By this time, she had had experience of negotiating with the Irish and she should have known that he was departing on a <sup>hopeless mission.</sup> ~~wild-goose chase~~. Neither she nor Fitzwilliam made any reference to the one thing that really mattered - how could the King yield to the Confederates 'just demands'? The only tenable explanation is that she believed Ormond had already arranged a peace or was on the point of doing so<sup>2</sup> - although, even in this case, she must have been aware that the Confederates were pledged to seal their side of the bargain by providing 10,000 troops and that, in consequence, Fitzwilliam would find himself superfluous.

Fitzwilliam's satisfaction with his allotted part is easily explained. He hoped to earn distinction for himself and a reward for his family - his father wished to be a privy councillor as soon as Catholics became eligible for the office.<sup>3</sup> Apart from this, he was taken

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1. Jermyn to Digby, Husband, pp.853-5.

2. It is hard to ascertain whether or not this was so. Jermyn informed Digby that Fitzwilliam believed he could raise the troops "if the Peace be made in Ireland", *ibid*. This could mean by the time he arrived there. It is also perhaps significant that Henrietta Maria's entourage were expecting peace in Ireland to be declared at any moment during the summer of 1645; see below chapter VIII.

3. Digby to Ormond, June 19, Carte, VI, p.302.

in by the baseless optimism that pervaded the court of Charles I and was led to believe that the differences between the King and the Confederates might easily be overcome. As for O'Hartegan, he must have been counting on the Queen to persuade the King to accept Fitzwilliam's terms.

At Court, furnished with a letter of introduction from Jermyn, Fitzwilliam duly obtained the King's support and found himself henceforward collaborating with Digby, who quickly despatched him to Ireland. All Digby would say in his favour when explaining his mission to Ormond was that the King thought him worthy of a 'noble charge'. But it was up to Ormond to use him or not as he saw fit.<sup>1</sup>

As on so many occasions, Digby's words cannot be taken at their face value. There is no minute of his conversations with Fitzwilliam but it would seem that he took the mission more seriously - or, at least, pretended to do so - than he led Ormond to believe. This may be inferred from Fitzwilliam's first report from Ireland which reveals only too plainly that Digby had given him a highly coloured appreciation of the situation there, for he wrote,

"I find all things contrary to what your Lordship expected, and much more to the Articles past between the Queene and me."

So far from the Confederates' 'just demands' having been conceded, they had been offered merely a free parliament

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1. ~~Digby to Ormond, June 19th, Carte, VI, p.152. Ibid.~~

and the removal of incapacities. Ormond had told him that he had received no authority from the King either to grant the removal of the penal laws or to allow them to retain the churches in their possession. This information had clearly come as a surprise to Fitzwilliam who had inferred the opposite from Digby. Indeed:

"had you told me of this before my coming from you, I could have told you, that in all probability, there would be no peace, having heard much of the Irish resolution before ere my coming out of France."1

Fitzwilliam arrived in Ireland while Ormond and the peace commissioners were still in the middle of their negotiations. It may be deduced that he personally found Ormond's position rather inflexible, since he took it upon himself to explain the appalling gravity of the King's affairs, as if Ormond were in some need of this reminder. He had pointed out the same fact to the peace commissioners. Both sides had promised to let him have summaries of the difference between them. When these came to hand, he intended to see whether the Confederates were justified in declining to settle for the concessions so far offered them.

In view of the critical note informing the first part of his report, Fitzwilliam concluded with remarkable optimism.

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1. Fitzwilliam to Digby, July 16, Husband, pp.856-7.



"I have inquired of the particular affairs  
spoken of and find all feasible."

What happened next is unknown since Fitzwilliam now disappeared from sight for some time. There is no further reference to him either at Kilkenny or at Dublin until November 13th, 1645, nor does he appear to have corresponded again with Digby.<sup>2</sup> Presumably his optimism was soon shattered by a rational assessment of the prospects for peace.

His short-lived intervention in the negotiations between Charles and the Confederates raises several questions. How did Ormond react to his coming? What, if anything, had it to do with Glamorgan's mission? What significance has it for the negotiations as a whole?

It has been observed several times previously that Ormond had much to endure from visitors from England. His reaction to Fitzwilliam requires little imagination<sup>ing</sup>, especially as the Colonel arrived under the impression that he already had authority to concede the Confederates'

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1. T.C.P. XVI, p.140.

2. It is remarkable that there should be only one reference to Fitzwilliam's adventure outside the correspondence found in Digby's captured baggage.

fundamental requests. Nonetheless, he was obviously at least polite, however little support he intended to give. Perhaps he refused to treat the matter seriously, particularly as Fitzwilliam came originally from Paris where the rarefied political atmosphere, to Ormond's way of thinking, encouraged a distorted view of the state of Ireland.

Even Ormond, however, must have been slightly shaken by the appearance of Fitzwilliam in Ireland at a time when Glamorgan was long overdue on a precisely similar errand. What was the King up to? How many more shots did he wish to keep in his locker?<sup>1</sup>

And, indeed, the most arresting fact about Fitzwilliam's mission is that it coincided with that of Glamorgan - that is, two men apparently unacquainted with each other sailed into Ireland at about the same time<sup>2</sup> to try to obtain the same number of troops from the same source. The coincidence is apparent rather than real. Fitzwilliam's plan had been endorsed by the Queen and was more or less public knowledge, whereas Glamorgan's was either much less than

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1. At this time both Sir Marmaduke Langdale and Daniel O'Neill were also sent to Ireland on similar errands. See above pp. 295-6.

2. Fitzwilliam must have sailed for Ireland on or shortly after June 22nd. Cf. Prince Rupert to Ormond June 22nd, 1645, Carte Papers, XV, p. 68, in which he recommends Fitzwilliam to Ormond for employment.

he was shortly to claim it to be or so secret as to be known only to the King. Thus, as Digby and presumably the world saw it, it was Fitzwilliam alone who was going to raise troops; Glamorgan was merely concerned with giving what help he could to Ormond. Only Ormond and the Confederates may have known of Glamorgan's commission also to raise troops.

The King's part in the affair was characteristic. Given that Glamorgan's mission was all that he claimed it to be, the King alone knew that Fitzwilliam was bound to fail. Why then did he bother to send him? To avert suspicion from Glamorgan, perhaps? As the Queen had sponsored Fitzwilliam, some good reason would have been required for turning him down. Of course, such a reason could easily have been come by. For example, Charles might have said that he did not wish to offend Ormond. But he preferred to use Fitzwilliam as a dupe.

It might have been thought that the experience of Fitzwilliam would have put the Confederates on their guard against all agents who came from the King. On the contrary, they signed a treaty with Glamorgan barely a month after Fitzwilliam had abandoned hope. If this bears witness to the authentic ring of Glamorgan's pretensions, it does little credit to their judgment. A King who would so lightly abuse the trust of one agent might just as easily deceive another.



The Earl of Glamorgan probably appeared in Dublin about the end of June. Our last glimpse of him was in the County of Monmouthshire, where, it was suggested, he may have been trying to procure supplies in preparation for a campaign such as that outlined in his commission of April 1st, 1644. Since then, much had happened to him, though the details of his itinerary are scattered wholesale in obscure references and there are unfortunate gaps. The question of the use Charles intended to make of him has already been discussed in relation to the letter to Ormond of December 27th, 1644.<sup>1</sup> Thereafter he would appear to have received a number of commissions.

The first was dated January 2nd:-

"Oxford this 2nd of January, 1644.

Several heads whereupon you our right trusty and right well-beloved Cousin Edward Earl of Glamorgan may securely proceed in execution of our commands. First, you may engage your estate, interest and credit, that we will most really and punctually perform any our promises to the Irish, and as it is necessary to conclude a peace suddenly, whatsoever shall be consented unto by our Lieutenant the Marquis of Ormond. We will die a thousand deaths rather than disannul or break it; and if upon necessity anything be to condescended unto, and yet the Lord Marquis not willing to be soon therein, or not fit for us at the present publicity to own, do you endeavour to supply the same. If for the encouragement of the Lord Marquis of Ormond you see it needful to have the Garter sent him, or any further favour demonstrated from us unto, we will cause the same to be performed. If for the advantage of our service you see fit to promise any titles, even to the titles Earls in either of our Kingdoms, upon notice from you we will cause the same to be performed.

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1. See above p.261.

For the maintenance of our army under your commands, we are graciously pleased to allow the delinquents' estates where you overcome to be disposed by you, as also any our revenues in the said places, customs or other, our profits, woods, and the like with the contributions.

Whatever towns or places of importance you shall think fit to possess, you shall place commanders and governors therein at your pleasure.

Whatever order we shall send you (which you are only to obey) we give you leave to impart the same to your council at war, and if they and you approve not thereof, we give you leave to reply; and so far shall we be from taking it as a disobedience, that we command the same. At your return we will accept of some officers upon your recommendation, to the end no obstacle or delay may be in the execution of your desires in order to our service, and our commands in that behalf.

At your return you shall have the command of South Wales, Herefordshire, and Gloucestershire of the Welsh side returned to you as in ample manner as before.

In your absence we will not give credit or countenance to anything which may be prejudicial to your father, you, or yours.

C.R. "1

Only the two first clauses, here quoted, can have any bearing on the peace negotiations, the remainder being concerned with purely military matters, which, yet, singularly confirms the genuineness of the commission of April 1st, 1644. Gardiner points out that in the first of these clauses there "is no one word authorising Glamorgan to treat independently of Ormond".<sup>2</sup> This claim seems too categorical. "And yet the Lord Marquis not willing to be seen therein", certainly appears to

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1. Dircks, p.72.

2. <sup>1887,</sup> E.H.R., p.697.

suggest that Glamorgan was to perform only those tasks which Ormond's position would not allow him to undertake himself. But it can mean something quite different if Gardiner's total theory is not accepted. This sentence may well refer not to the future but to Ormond's known disposition to oppose those concessions which were preventing a settlement with the Confederates. In which case the phrase simply means that if the Confederates should demand concessions which Glamorgan knows to be unacceptable to Ormond, he is to act without reference to Ormond.

Strikingly significant, however, is the second of these clauses, which Gardiner omits to quote:

"If for the encouragement of the Lord Marquis of Ormond you see it needful to have the Garter sent him, or any further favour demonstrated from us unto him, we will cause the same to be performed."

Glamorgan, who has been described in the postscript of a letter to Ormond as having a dubious judgment, is nevertheless to decide whether Ormond needs "encouraging" or not, and if so, to recommend that he be given the garter or some other favour. It is strange that he who is to act under the tutelage of Ormond, is to decide whether or not his tutor is in need of encouragement, and suggest what treatment his tutor needs. Gardiner also suggests that this commission is Charles' "mode" (sic) of answering Ormond's request through Barry to be



superseded. Surely this was an odd "mode" for a King to adopt towards his Lord Lieutenant - to respond to a letter of resignation by issuing instructions to a gentleman who, according to Gardiner, may or may not travel to Ireland for several months and who is never asked to present those instructions to Ormond. The obvious, normal and business-like procedure was to write through one of his secretaries of State to the Lord Deputy explaining why his resignation could not be accepted, and stating that he would, however, receive assistance.<sup>1</sup>

Gardiner's suggestion seems even more unsound when it is considered in the light of the letter to Ormond; so far from sending Glamorgan to Ireland to assist, Charles specifically states, "My Lord Herbert having business of his own in Ireland (wherein I desire you to do him all lawful favour and furtherance)".<sup>2</sup> In other words Ormond is to assist Glamorgan. And if this point were not conclusive, how inappropriate it would have been to answer Ormond's heartfelt plea for release from a painful office by sending him an assistant for whose judgment it was impossible to answer. Whatever

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1. Gardiner suggests that as soon as Charles discovered that Ormond would not insist on resigning, whether he were sent an assistant or not, he saw no further necessity for employing Glamorgan. This seems ~~an~~ unwarranted supposition, for as a loyal subject, Ormond would have felt compelled to remain in office until Charles released him. In any case Charles could have ordered him to remain.

2. This extract is also omitted by Gardiner.

the true extent of the powers contained in this commission, it is impossible to see how they were intended to assist Ormond. The conclusion seems inescapable that they were intended to be secret powers.

Glamorgan was given a further commission on January 6th, 1645,<sup>1</sup> of which we have only a Latin translation and which was concerned with the levying of troops.<sup>2</sup> His next commission, dated January 12th, was more important:

"Charles R.

Wheras we have had sufficient and ample testimony of your approved wisdom and fidelity, so great is the confidence we repose in you, so that whatsoever you shall perform, as warranted under our sign manual, pocket signet, or private mark, or even by word of mouth, without further ceremony, we do on the word of a King and a Christian promise to make good to all intents and purposes, as effectually as if your authority from us had been under the Great Seal of England, with this advantage, that we shall esteem ourself more obliged to you for your gallantry, in not standing upon such nice terms to do us service, which we shall, God willing, reward. And although you exceed what law can warrant, or any powers of ours reach unto, as not knowing what you have need of; yet it being for our service, we oblige ourself, not only to give you our pardon, but to maintain the same with all our might; and though either by accident, or by any other occasion, you shall deem it necessary to deposit any of our warrant, and so want them at your return, we faithfully promise to make them good at your return; and to supply anything wherein they shall be found defective, it not being

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1. Com. Rin., 1, pp.545-7. The Marquis of Worcester was given a patent for the dukedom of Somerset on the same day. If genuine(?), it may have been Glamorgan's reward for the services he was about to render. Dircks, p.104.

2. On January 5th, Glamorgan was given a warrant in which he was designated Lord Herbert (sic) granting him lands to the value of £40,000. Signet office, Doquet Book, 1663-4, F.6. 293.

convenient for us at this time to dispute upon them; for what we have here set down you may rest confident, if there is faith and trust in man. Proceed, therefore, cheerfully, speedily, and boldly; and for you so doing this shall be your sufficient warrant.

Given at our Court of Oxford under our sign manual and private signet, this 12th January, 1644."<sup>1</sup>

Glamorgan did not produce this commission as his authority to the Confederates, presumably because it was superseded by that of March 12th; he did, however, show it to Ormond<sup>2</sup> later during his confinement as additional proof of his credentials. Gardiner again points out that there is no mention of the Irish peace. This omission can prove either, as he suggests, that Glamorgan was to negotiate for money, loans and troops from the Pope and foreign princes, or that it was taken for granted that Glamorgan was to give the Irish private assurances and therefore was not explicitly stated. It is in any case, just as much a pointer to an Irish peace as to a European negotiation that Charles fails to specify either the one or the other.

The powers contained herein are wide; indeed could scarcely be more so. It is difficult to believe that Charles could have run the risk of giving such extensive powers to a man of doubtful judgment, even if he did intend

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1. Dircks, pp.79-80; Lingard had a MS. copy of this commission in his possession, VII, app., p.625; Com. Rin., pp.547-8.

2. See below p.438.



them to be interpreted in the light of other instructions, of which we have no record, making them dependent on the will of Ormond. A King of twenty years' experience, engaged in a desperate civil war, in which to take one false step in the direction of Rome could be fatal, might surely be expected, as the least precaution, to limit, if not to specify the powers of his envoys. If Glamorgan was to assist Ormond, why not say so simply and explicitly? If Glamorgan's commissions bestowed no extraordinary powers, as Charles' apologists claim, why were they kept secret from the King's most intimate advisers? Why not, in short, as a mere precaution of business routine, add a rider to at least one of them, saying in so many words "subject to the consent of the Marquess of Ormond", or some similar qualification?<sup>1</sup> The only reasonable rejoinder to these questions seems to be that Charles granted Glamorgan wide powers knowingly, willingly and without provisos.

A further point about this commission of January 12th. Gardiner quotes a statement in a letter from Glamorgan to Clarendon in 1660:

"The maintenance of this army of foreigners was to have come from the Pope and such Catholic princes as he should draw into it, having engaged to afford and procure 30,000l. a month: out of which the foreign army was first to be provided for; and the remainder to be divided among other armies. And my instructions for this purpose

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1. Cf. the instructions given to <sup>George Loxburn</sup> ~~Daniel O'Neill~~ which carefully prescribed what he might do; see below p.605.

and my powers to treat and conclude thereupon, were signed by the King under his pocket signet, with blanks for me to put in the names of the pope or princes, to the end the king might have a starting hole to deny the having given me such commissions, if excepted against by his own subjects; leaving me as it were at stake, who for his majesty's sake was willing to undergo it, trusting to his word alone."<sup>1</sup>

Gardiner uses this to buttress his contention that the commission did not refer to the Irish Treaty. Of this there is no proof at all, and in any case it is much more probable that Glamorgan was referring to his very first commission, that of April 1st, especially as he is concerned to justify his claim to the dukedom of Somerset which had been promised in expectation of the services he was to perform under the terms of that particular commission, not under that of January 12th, issued eight months later.

Given that the commission of January 2nd was concerned with raising troops, what was the purpose of this one? If Glamorgan were to persuade the Confederates to agree to terms with Ormond, then it may be assumed that this was his authority to confer honours and to give private assurances on the King's behalf as a means of doing so.

Several weeks elapsed. during which Glamorgan remained in England, presumably still arranging supplies and transport, until on February 12th Charles sent him

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1. E.H.R., p.698.

several despatches for Ireland, chiding him to make haste and sending him the "Blue Ribbon, and a warrant for the title of Duke of Somerset, both which accept and make use of at your discretion".<sup>1</sup> Charles' injunction to him to make haste dispels the notion that Glamorgan was going to Ireland primarily to settle his private affairs. Why Charles should have sent the letter of December 27th to Ormond implying that Glamorgan was going to Ireland on personal business and might incidentally assist him and yet afterwards should have shown in this letter and in another written a month later<sup>2</sup> that Glamorgan was going primarily on the King's business and only incidentally, if at all, on his own, is a question that Gardiner and the King's supporters have to answer. Will they say that Charles had conveyed an impression that he did not intend to convey - a most improbable explanation, or will they face the implication that Charles deliberately gave Ormond the wrong impression, in order to keep him in the dark about the real purpose of Glamorgan's visit?

On March 12th Glamorgan received what was to be his most important commission, the one used later as the

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1. Dircks, pp.74-75.

2. See below p.327.



authority for his Treaty with the Confederates,<sup>1</sup> which Digby was to produce as evidence of his treason:

"Charles...to... Glamorgan Greeting.

We reposing great and special trust and confidence of your approved wisdom and fidelity, do by these (as firmly as under our great seal, to all intents and purposes) authorise and give you power, to treat and conclude with the confederate Roman Catholics in our Kingdom of Ireland, if upon necessity any be to be condescended unto, wherin our Lieutenant cannot so well be seen in, as not fit for us at present publicly to own. Therefore we charge you to proceed according our warrant, with all possible secrecy; and for whatsoever you shall engage yourself, upon such valuable considerations as you in your judgment shall deem fit, we promise on the word of a King and a Christian to ratify and perform the same, that shall be granted by you, and under your seal and hand; the said confederates and Catholics having by their supplies testified their zeal to our service. And this shall be in each particularly to your sufficient warrant.

Given at our Court at Oxford, under our signet and royal signature, the 12th of March in the twentieth year of our reign. 1644."2

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1. For a long time great confusion arose because of the difficulty of confirming this point. As J.H. Round pointed out: "It is here that Mr. Gardiner has rendered as inestimable service to the student by narrowing the controversy to certain points and clearing the ground of others. On the one hand, he has shown that, of all the warrants and commissions granted to Glamorgan, only that of March 12 1645 was really cited by him as the power for his famous treaty..." Peerage and Family History, p.401; cf. also: "... the said Earl of Glamorgan shewed us under the private signet a faire and large commission he had from the King, authorizing him to conclude a peace with us and to graunt us such favourable conditions for religion as Ormond the King's Lieutenant (who also had a commission under the great seale) could not publicly graunt, or be seen in". Bp.French, op.cit., p.38; cf. also Plunket-Dunne MS., Carte's Abstract, p.783: "The Earl of Glamorgan came unluckily at this time with a letter of trust, granted (as some will have it) at the Q's persuasions."

2. Dircks, p.80. Lingard had the original warrant in his own possession, VII, app., p.627.

Considered without regard for its authenticity and without reference to any other documents, this commission has only one meaning - it is, as Glamorgan claimed it to be, a valid authority to treat for peace. Its terms are vague; the powers it conveys are unlimited. Whatever Charles may be said to have intended it to mean, the proof of what in effect it conveyed even to shrewd and suspicious men lies in the fact that later the Supreme Council readily accepted it and never doubted its force. To say the least Charles was extremely stupid to phrase a commission in this way if he intended it to have a limited meaning.<sup>1</sup>

It is Gardiner again, however, who seizes on one phrase in this document to show that it can have an interpretation totally different from that just given. He takes the words, "wherein our Lord Lieutenant cannot so well be seen in", to be another point in favour of his theory; for if these words are to be regarded as the key to the interpretation of the whole commission, then Glamorgan was to do nothing without Ormond's approval.<sup>2</sup>

But these words support Gardiner only if they are considered

1. J.H. Round believes that this patent did authorise Glamorgan to treat independently of Ormond for the simple reason that it was forged for the very purpose! Since, however, his close argument depends on a minute examination of documents that bear dates later than March 12th, it would be needlessly complicating to discuss it here. It is therefore intended to postpone discussion until all the relevant evidence has been assembled. See below App. i

2. E.H.R., pp.698-9.

in isolation. In context, they can be taken to mean that if Ormond could not bring himself to conclude a treaty, then Glamorgan was to do so.

In any case, if the commission were genuine, and this Gardiner does not question, what was the point of issuing it if it did not bestow extraordinary powers not already provided for in previous commissions? The commission of January 12, for instance bestowed maximum powers short of making peace. Why duplicate it? Surely, between January 12 and March 12, Charles must have decided to instruct Glamorgan to go further than giving mere private assurances and to arrange a treaty on his own initiative. In other words, this commission was either what Glamorgan claimed it to be or it was a forgery!

Accompanying the commission of March 12 was a letter of the same date, which seems to be formidable evidence in favour of Gardiner's theory and which, inexplicably, Gardiner does not quote, although he does refer to it in his history.<sup>1</sup> The letter is printed in full:

"Herbert,  
I wonder, you are not yet gone for Ireland,  
but since you have stayed all this time, I  
hope these will overtake you, whereby you will  
the more see the great trust and confidence I  
repose in your integrity, of which I have had  
so long and so good experience; commending you  
to deal with all ingenuity and freedom with our

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1.Round also expressed surprise at this omission, op.cit., p.405.



Lieutenant of Ireland the Marquis of Ormond,  
 and on the word of a King and a Christian I will  
 make good anything, which our Lieutenant shall  
 be induced unto upon your persuasions; and if you<sup>1</sup>  
 find it fitting, you may privately show him these  
 which I intend not as obligatory to him, but to  
 myself; and for your encouragement and warrantise,  
 in whom I repose my chiefest hopes, not having in all  
 my Kingdoms two such subjects; whose endeavours  
 joining, I am confident to be soon drawn out of  
 the mire, I am now enforced to wallow in; and then  
 shall show my thankfulness to you both; and you<sup>r</sup>  
 have never failed me, so shall never fail you,  
 but in all things show how much I am...  
 Oxford, the 12th March."2

It does not seem to state that Glamorgan will be Ormond's assistant in the strictest sense. Rather it implies that Glamorgan must use all his ingenuity to persuade Ormond to do something, perhaps offer better terms to the Confederates than he is apparently willing to do. But Charles will only make good anything which Glamorgan persuades Ormond to do, not anything which Glamorgan himself does, independent of Ormond. Glamorgan is being given a task which is quite incompatible with the opinion expressed about him in the famous postscript, but which is also incompatible with the apparent freedom of action given in the above commission. None of the events examined so far have furnished any cause to show that Glamorgan's powers were different from what he claimed them to be. This letter does. It is possible to argue, contrary to

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1. Presumably the warrant enclosed. There is no definite evidence that Glamorgan ever showed Ormond any of his patents before his arrest, but it may be inferred that he had done so. See below.p.438.

2. Dircks, pp.75-6.

general belief, that Charles interviewed Glamorgan on or after March 12th and gave him wider powers verbally.<sup>1</sup> This would be mere speculation. Either the letter has a meaning which cannot be detected, or else Glamorgan did later, wittingly or otherwise, claim powers to which he was not entitled.

On the other hand, it is strongly in Glamorgan's favour that the letter and the commission bear the same date. If he forged the commission five months later for the benefit of the Supreme Council, why did he choose to date it March 12th? That it was mere coincidence seems most unlikely; and yet what subtle purpose would be served by giving it the date on which he happened to have received a letter from the King? There is much to be said for accepting the obvious explanation, namely that the king on March 12th sent Glamorgan some despatches which contained both the letter and the commission.

Glamorgan finally set sail for Ireland on March 25th, but he was fated not to arrive there for several months. The details are obscure, but it is at least clear that a storm blew up and his ship foundered on the Cumberland coast.<sup>2</sup>

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1. There is nothing to show that Charles did not give Glamorgan verbal instructions. A certain Edward Bythell reported the arrival at Beaumaris at about March 20th of great men from Oxford with Glamorgan at their head. Letter Book of Sir William Bereton, 1645, B.M., Add.MSS., 11,338-43.

2. Dircks, p.60.

Previous commentators have not attempted to explain what happened to Glamorgan between the date of the shipwreck and his eventual disembarkation at Dublin, which they put wrongly at about the end of July.<sup>1</sup> This was a serious omission because, as Gardiner was quick to realise, if Glamorgan really did have a secret and urgent commission from Charles, which various historians had alleged, why did Charles allow him to squander almost four precious months in England?

There are several valid answers, so far unnoticed, to a question which was intended to be rhetorical. In the first place, Charles was extremely anxious to speed Glamorgan on his passage to Ireland, as we know from the letters of February 12th and March 12th, previously quoted, and from a letter which he sent to Glamorgan on June 23rd following,<sup>2</sup> saying he is relieved that Glamorgan has at last gone to Ireland. It is fairly certain therefore that if Glamorgan indeed delayed it was not for lack of urging from his master. Secondly, historians have exaggerated the delay which was rather less than three months and far short of four months. Apart from Charles'

1. The reason for this is obscure. Presumably an early writer guessed it was the end of July and subsequently no one saw fit to query the date.

~~one saw fit to query~~

2. The Letters of King Charles I, ed. Sir Charles Petrie, p.154.



letter of June 23rd above quoted, the following extract fixes the date of Glamorgan's arrival in Dublin before June 30th;

"And he said that on Monday morning, the 30th June, the said Brian, being attached, made suite to the Earl of Glamorgan that he would be a mediator to the Lord Lieutenant to take the matter privately into his hearing."<sup>1</sup>

Thirdly, Lord Digby wrote to Ormond on May 21st;

"As for my Lord Herbert, he made a dangerous escape; but I hope is now well on his way towards you from Skipton in Yorkshire."<sup>2</sup>

Glamorgan was on his way to Ireland some time before May 21st. Moreover, he has had an "escape". Can this refer to his being rescued from the sea or has he had to evade parliamentary troops on the Lancashire coast? In either case delay was natural: a man rescued from the sea might not be fit to travel for some time. Then between May 21st and June 30th he could have been searching for a ship. Indeed he may actually have sailed on or about May 31st and have already been in Ireland for some time before June 30th since there is no jot of evidence to the contrary. In the fourth place Glamorgan himself never intended to linger in England. When he first set sail on March 25th, he not only expected to return before the end of May, but intended to bring back with him the promised army.

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1. The Examination of William Brent, July 1, 1645, T.C.P., XV, p.110.

2. Carte, VI, p.288.

On March 21st he sent a messenger to the King to remind him of his commission. The instructions were subscribed Edward Bosden and entitled "The Earl of Glamorgan's instructions to me to be presented to your Majesty". The first clause was as follows:-

"That God willing, by the end of May or beginning of June, he will land with 6,000 Irish."<sup>1</sup>

A man who intended to come to terms with the wary Confederates, to raise an army of 10,000 men, and to transport 6,000 troops to England, all within the span of two months, would certainly not wish to waste time. After his shipwreck some serious hitch must have prevented him from taking another ship at once, unless, as seems likely, he never delayed at all.

Glamorgan's arrival could have been no surprise to Ormond, whose regular English correspondent, Trevor, had written to him on April 9th from Bristol:

"The Lord Herbert with many of his religious great philosophers of faith are gone into Ireland...religion being his design: but I am very doubtful, he hath none to the M. of Ormonde, nor others that eat often with the M. of Ormonde".

Then, Trevor would appear to gainsay his opening remarks:

"Yet I believe good use may be made of Lord Herbert, as the Marquis of Ormond may trust him. He certainly loves the King as much as any man of religion now do, and will not think himself ill entertained to have the opportunity given him of making the inventory of his doing for the King."

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1. See above p.213

Obviously it was known that Glamorgan had some sort of commission from the King:

"I hear much of Lord Herbert's commission. As I hear it, the Marquis of Ormonde is not taken notice of in it. If it be so, I beseech you get me a copy of it Daniel O'Neill told me, he was to pass into Ireland upon very important affairs; but that resolution is now over. I cannot imagine what this matter of weight should be, unless it was to have a share in that commission; to which I am induc'd, because that Fiddling fellow I of his name was, and went into Ireland with Lord Herbert and the rest of the philosophers of faith."<sup>2</sup>

Apart from the very suggestive remark 'As I hear it, the Marquis of Ormonde is not taken notice of in it', the reference to Daniel O'Neill is significant, for that lively adventurer was to play an active, though mysterious, part in Glamorgan's mission.<sup>3</sup> According to Father Cregan, Charles was so confident that he would have Irish troops in the immediate future that he issued lengthy instructions to Daniel to go to Cornwall in order to procure the necessary ships.<sup>4</sup>

Ormond's own reaction to the news of Glamorgan's mission may be divined from a letter he wrote to Digby:

"Though I have no full knowledge of what <sup>the</sup> Lord Herbert was to bring with him, yet, by his letter to me out of Wales, I guess his missing this place was a great misfortune to the King's service, even in relation to the credit I found

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1. Presumably Sir Bryan O'Neill.
  2. Birch, p. 59.
  3. See below pp. 343-4.
  4. Irish Historical Studies, 1941, p. 403.



the Irish were apt to give to his advises and undertakings."1.

Unhappily, there is no record of the letter which Ormond had received from Glamorgan, ~~otherwise there might be little point in discussing the Glamorgan Treaty to-day.~~ All we learn is that Ormond did not discourage Glamorgan's visit, in spite of the warning from Trevor, and indeed hoped that much good might come of it: that Glamorgan's credentials had had the expected effect on the Confederates, and that, in some way, the Irish knew of Glamorgan's impending visit, either because Glamorgan had written to his friends telling them to expect him, or because Charles had told them the previous year at Oxford that Glamorgan would be coming as soon as he could. Finally, it is apparent that Ormond and Glamorgan started off on good terms, an important point to note in connection with their future relationship.

It is not easy to piece together a coherent account of Glamorgan's career in Ireland. The difficulty springs mainly from the absence of any regular correspondence with England, although, as an affectionate husband, he must have written frequently to his wife who did not leave Wales until the summer of 1646 when Reglan Castle was almost the last royalist strongpoint to surrender to the Parliamentarians. In any case, it was inevitable that

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1. <sup>May 8,</sup> Carte, VI, pp. 284-5.

his letters should exclude any reference to the secret work upon which he was supposed to be engaged. With regard to this point, there is some significance in the letters which he sent to Ormond, for they were written in the conspiratorial style of melodrama and were so vague and mysterious as to elude exact interpretation.

He appears to have remained in Dublin until August 6th, on which day he set out for his first residence at Kilkenny in company with the peace commissioners.

Initially, he must have conferred with Ormond about his mission, though what he alleged its purpose to be can only be deduced from their subsequent correspondence.

One thing only is certain: he was to assist Ormond in his negotiations with the Confederates and in this capacity took part in the final stages of the session that ended inconclusively on August 6th.

Arrived at Kilkenny he reported to Ormond the presence of symptoms against peace.<sup>1</sup> In spite of this, within three weeks, he had negotiated and concluded his own treaty. The ground may have been prepared in clandestine meetings with the Commissioners in Dublin, since Rinuccini was to record that the terms of the Treaty had already been discussed there.<sup>2</sup> This would certainly account for the

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1. T.C.P., XV, p.280; Gilbert, V, p.66.

2. Embassy, p.72.

speed with which he was able to act. Those who question Glamorgan's honesty are forced to date his negotiations from his arrival at Kilkenny and to argue in the following way. Seeing that peace could never be obtained on the basis of Ormond's proposals, Glamorgan decided to interpret his limited instructions as giving him *carte blanche* and excused his disobedience by reflecting on the urgency of the case and assuming that the success of his scheme would disarm criticism. Against this argument, it is curious that he had ingratiated himself with the Confederate Commissioners to a remarkable extent before leaving Dublin. Two pieces of evidence may be adduced to substantiate this view,

The first has hitherto been neglected. On July 26th Glamorgan informed the Mayor of Waterford that Lord Muskerry and the other Commissioners had asked the Supreme Council,

"for twenty barrels of powder to be forthwith delivered at Waterford or Wexford for his Majesty's service to such person as I shall appoint to receive the same"

He (Glamorgan) had appointed the Mayor of Waterford who was to have the powder conveyed in carts to Dublin.<sup>1</sup>

The question arises whether the Commissioners would have issued such an order had they not expected Glamorgan

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1. N.L.I., Ormonde MSS., May 16, 1645-Nov. 1, 1645, f.143.



to offer some sort of exchange on the King's behalf. The answer must be in the negative because it was for this very reason that they had rejected so many previous requests for supplies from the King himself, from Ormond and from Prince Rupert.

In the second place, the Confederate Commissioners themselves requested Ormond to 'act in concert' with Glamorgan at some time before their departure from Dublin.<sup>1</sup> Not too much need be read into this evidence. It is, however, valuable in that it weakens two of the arguments of Glamorgan's critics: that his mission was not particularly urgent; that he began discussions with the Confederates only after he had witnessed the adjournment of the Dublin negotiations. At the same time, it is another small indication that Glamorgan was empowered to satisfy the Confederacy's conditions from the beginning.

Ormond evidently agreed to collaborate with Glamorgan since he sent a letter after Muskerry in these terms:

"My Lord,  
Though I am persuaded, that the points, which you and the other Deputies have agreed to in the presence of my Lord Glamorgan and myself are still fresh in your memory:... and observing that in our meeting on this affair you expressed a desire that I should act in concert with my Lord Glamorgan: I think it necessary, that I should remind, and in this way acquaint your Lordship with that, which I could not insist on in his Lordship's presence, without offending his modesty and incurring the imputation of flattery. What I have to say in short is this, that I know no subject in England,

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1. Ormond to Muskerry, Aug. 7, 1645, Gilbert, v, p. 59.

upon whose favour and authority with his Majesty, and real innate ability you can better rely, than upon his Lordship's: nor (if that has any weight with you) any person whom I would more endeavour to serve in those things which he shall undertake for the service of his Majesty, or with whom I shall sooner agree for the benefit of this kingdom."<sup>1</sup>

As Ormond was not given to being demonstrative, this was a remarkable testimonial of Glamorgan's character and abilities. So it appeared to the Supreme Council which presumed that he had promised Glamorgan his support.<sup>2</sup> What inspired Ormond to use such glowing expressions? He had two possible motives. First, he believed that Glamorgan might well influence the Confederates to accept his latest terms. Secondly, suspecting that Glamorgan carried secret instructions to arrange an agreement with the Confederacy he was anxious not to stand in his way.

Not to stand in his way, however, was not to believe that his secret powers were of any use. Like all the King's protégés Glamorgan would find the facts of the situation at Kilkenny more unpalatable than he had bargained for. But while he was making this discovery his undoubted prestige with the Confederacy could be used to facilitate the sort of settlement that was practicable and to obtain men and materials. His letters to Dublin

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1. Ibid.

2. This letter was shown subsequently to Rinuccini as evidence of Ormond's approval of Glamorgan's concessions; Com. Rin., 1, pp.549-50.

and Ormond's to Kilkenny, certainly show that he was occupied with these two tasks whatever else he was concerned with.

On August 7th Ormond reminded Muskerri of a promise the Supreme Council had made to restore the Earl of Thomond to his estates. The matter was now urgent because Thomond could not "give content" to Glamorgan unless in receipt of his rents.<sup>1</sup> Reference to Thomond and his estates not only accounts, incidentally, for one of the sources from which Glamorgan was always optimistic he would obtain the necessary capital for his expedition but associates Ormond with this particular plan. Again, within a fortnight of Glamorgan's departure for Kilkenny, Ormond asked for details of the Confederates' military sources.<sup>2</sup> Glamorgan's letters, in so far as the fog enveloping them can be pierced, were also preoccupied with plans for raising troops and the state of opinion at Kilkenny with regard to Ormond's peace terms.

A cardinal point in connection with the events immediately preceding the Treaty that has not attracted any attention was the part played by the Marquis of Clanrickard. As on a previous occasion Clanrickard

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1. T.C.P., XW., p.369; Gilbert, V, p.59.

2. Ibid., pp.55-6; T.C.P., XV, p.297.



accompanied the Commissioners back to Kilkenny so as to hold a watching brief for Ormond.<sup>1</sup> Shortly after arriving he ended his first report with this cryptic note,

"If my Lord Glamorgan have imparted his intentions and designs unto your Lordship, I humbly desire to receive your Lordship's commands, how far, in what manner I am to comply with him, or second his propositions at Kilkenny."<sup>2</sup>

Evidently between leaving Dublin, probably on August 6th, and the date of this report, August 9th, he had become aware of certain proposals Glamorgan was about to make or was already making to the Supreme Council. Of Ormond's reply to his request for instructions there is unfortunately no record.<sup>3</sup> But useful inferences may be drawn from an examination of Clanrickard's position during this crucial month of August, the whole of which he spent in Kilkenny.

First of all, it would be astonishing if he had no inkling of what Glamorgan's conversations with the Supreme Council were about. Kilkenny was not a large place, he was on more or less close terms with all the principals, above all he was supposed to participate in whatever discussions went on. Besides, according to Glamorgan's account, some of the deliberations involved a number of people. How could Clanrickard have failed to guess there was something in the wind? Did Glamorgan tell

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1. See below pp.357-8.

2. Gilbert, V, p.54; T.C.P., XV, p.238.

3. The next letter in the Carte Papers from Ormonde to Clanrickard was dated August 18th and contained no reference to Glamorgan's plans, nor does any letter appear in Clanrickard's own collection.

him from time to time that his presence was not called for? Common sense indicates that Clanrickard not only knew what Glamorgan was up to, but, at least, turned a blind eye to it. Clanrickard had already informed Ormond two months before this how he had come to sympathise with the Confederates' reluctance to surrender the churches in their possession and how unrealistic it was to ask them to do so.<sup>1</sup> May he not have come also to consider Ormond's attitude to be so intransigent as to destroy any prospect of compromise on this and the other outstanding points in dispute?

Here it is not necessary to rely on speculation alone, for at about this time Clanrickard had been forced to do some hard thinking about Ormond's whole approach to the negotiations. The need arose through the circulation at Kilkenny of a letter, printed by the English Parliament, which was supposed to have been sent by the King to Ormond. This letter empowered him to promise the repeal of the penal laws to the Confederates.<sup>2</sup> At Kilkenny, Clanrickard had to report, it had excited the suspicion that Ormond was deliberately neglecting to carry out the King's instructions, since they had never heard of this concession. For whatever motive Ormond's

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1. See above p.288.

2. From internal evidence it is clear that the letter in question was sent by the King - the letter of Feb.27, 1645, see above pp.269-70 - though Ormond saw fit to cast doubt on its authenticity.

comments on this letter, which was in fact an authentic copy, and on the speculation it had evoked, were so markedly shifty that Clanrickard could not have failed to take note and draw his own conclusions.<sup>1</sup> Did he then wink at or actively support Glamorgan's negotiations? When Glamorgan was subsequently charged with high treason for arranging the Treaty and imprisoned, Clanrickard put up £10,000 bail for his release.<sup>2</sup> That may point to the answer.

Glamorgan could have wasted no time at Kilkenny for it was a remarkable achievement to dispel the suspicions and satisfy the doubts of men who were by now seasoned negotiators - and in under three weeks. His efforts were assisted by the belief of the Peace Party, the Ormondists as they have come to be called, that he was secretly backed by Ormond himself - but his personal influence and the authority of his credentials must have been decisive. Glamorgan must have presented himself convincingly as a prominent English Catholic and confidant of the King who had come to offer them concessions strictly confined to religion. No doubt he pointed out the King's difficulties, surrounded as he was by enemies of the Catholic Church and having to correspond with the Confederacy through the Protestant Council in Dublin.

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1. Clanrickard's own report cannot be traced. The foregoing accounts of the episode has been reconstructed from Ormond's reply. Ormond to Clanrickard, Aug.23, Carte, VI, pp.314-6.

2. Jan 20, 1646, Gilbert, V, p.251.



It would seem also that he informed them of the King's intention to appoint him, Glamorgan, as Ormond's successor as Lord Lieutenant.<sup>1</sup>

Of what took place before the treaty was agreed, there are only a few slender records.<sup>2</sup> Still, it is possible to establish three points. First, the Assembly only agreed to enter into negotiations with Glamorgan after they had finished considering Ormond's latest propositions on August 14th.<sup>3</sup> Secondly, although Glamorgan held discussions with some members of the Committee of Instructions as well as other interested persons at Kilkenny, he was concerned to insist that only the Peace Commissioners were fully engaged in the negotiations. And, thirdly, Scarampi, the Pope's agent, hotly opposed the treaty not because he doubted

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1. See below pp. 359-60.

2. The following comment which occurred in the Plunket-Dunne MS, p. 292, cannot be taken as serious evidence. It was prejudiced and based on hindsight:

"The E. of Glamorgan finding himself caressed by the Irish nobility and gentry, called several of them cousins though not related, and proceeded to grant the Irish conditions downright contrary to Lord Digby's letter; tho' his instructions were to do nothing material without the advice of Ormond - but out of vanity to render himself great on both sides, agrees with the Irish to send forces immediately to the King, and grants them all the churched they were possessed of."

3. Com. Rin., I, p. 551.

Glamorgan but because it afforded insufficient security for the Church.<sup>1</sup> He urged that it would be more seemly to await the arrival of the Pope's official nuncio, then daily expected, and complained that what they were contemplating was the dissolution of the Confederacy at the very moment when the Pope was about to give it formal recognition.<sup>2</sup>

According to Glamorgan, the Treaty was drawn up by Geoffrey Barron and concluded on August 25th.<sup>3</sup> Its preamble implied strongly that the Confederates recognised the futility of the public negotiations with Ormond and its terms were as follows:-

1. Complete tolerance for all Catholics.
2. All the Churches acquired since October, 1641 to remain in Confederate hands.
3. All Catholics to be exempt from the jurisdiction of the Protestant Clergy. No interference with the Catholic Clergy for exercising jurisdiction over their flocks.
4. The terms of the Treaty to be ratified by act of Parliament.
5. No one, including Ormond, to be allowed to transgress these articles.

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1. See below p. 410.

2. Com. Rin., I, pp. 551-4.

3. The authors of the Commentarius recorded that the treaty was arranged partly on August 25th and partly on September 27th, Com. Rin., I, p. 556.

6. The King's word that the concessions would be honoured.

7. The provision of 10,000 men under the command of Glamorgan for the King's service anywhere in England, Scotland and Wales.<sup>1</sup>

The two sides agreed to keep the Treaty secret pending the despatch of the expedition to England. This was a necessary precaution since it was manifestly unacceptable to Ormond, the Council in Dublin, and Protestant Royalists generally. It was not, however, a precaution sensibly observed. Glamorgan alone signed the document on his side. His brother, Lord John Somerset, witnessed but did not read it.<sup>2</sup> On the Confederate side it was signed by the eight Peace Commissioners who evidently considered themselves constitutionally authorised to treat with any representative of the King apart from Ormond. Others, however, were also involved; the Supreme Council and the Committee of Instructions were bound to have known of it, even though Glamorgan later saw fit to insist that he had only had dealings with the Commissioners.<sup>3</sup> In addition, copies were printed and distributed among the leading ecclesiastics, among whom was Malachy O'Queely, Archbishop of Tuam. With so many in the

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1. T.C.D., 3.11. ff.136-8. This is one of the original copies; see also Gilbert, V, pp.66-75.

2. The examination of Glamorgan, Dec.29, 1645, T.C.P., XV, pp.222-31; Gilbert, V, pp.216-22.

3. Ibid.



secret, there was likely to be a leakage before the 10,000 troops could be got ready, a possibility that could not have escaped the notice of some of the negotiators.

There were several mysteries connected with the maintenance of secrecy. The Earl of Castlehaven, according to his own statement a member of the Supreme Council, was to disclaim any knowledge of the Treaty until its existence was divulged by Digby.<sup>1</sup> Even assuming his absence from Kilkenny about the end of August it is hard to credit his plea of ignorance. Either he was lying or business was very badly conducted by the Supreme Council. Certainly his description of the Treaty as being arranged by the Nuncio's party pays little tribute to his honesty, since the Nuncio had yet to arrive in Ireland and Scarampi had passionately denounced it.

Then there is the case of Colonel Barry and Daniel O'Neill. Like Clanrickard they, too, were in Kilkenny throughout most of August as watchdogs for Ormond.<sup>2</sup> Were they unaware of what was going on under their noses? It seems improbable. Given that Barry lacked perception, for which there is no evidence, it is scarcely credible that the inquisitive and ubiquitous O'Neill went in ignorance,

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1. Memoirs, pp.79-80.

2. Barry left Kilkenny on August 29th, O'Neill probably left earlier.

especially as he was in Glamorgan's confidence and a frequent messenger between Glamorgan and Ormond. And did neither Barry nor O'Neil tell their friend and patron what they knew or suspected ? Again, it would seem unlikely.

Furthermore, contemporary news items sponsored by the English Parliament were curiously accurate. Between September 2nd and September 9th several references to Glamorgan appeared, stating that he and Byron had gone to Ireland, that peace had been made and that 10,000 troops were being fitted out for England, of which 6,000 were murdered already.<sup>1</sup>

From the Confederacy's point of view the Treaty could scarcely have been more satisfactory. In itself this is a suspicious fact as Gardiner was quick to spy. In particular, he pointed out, the main concessions concerning the churches and the curtailment of the jurisdiction of the Protestant Clergy had not up to this time even been brought to the King's notice. Indeed, the

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<sup>1</sup> The Weekly Account, Sept. 3 to Sept. 10; The Moderate Intelligence, No. 28; The Parliament Post; circa Sept. 8: "By letters from Ireland this present Monday, September 8, it was also certified that the King had concluded a peace with Ireland, upon which it is agreed that the King shall have a sudden supply of ten thousand horse and foote ..."; The Kingdomes Weekly Intelligence. B.M. Coll. of Pamphlets, 1645.

King's first reference to them was not made until July 31st in the course of a letter to Ormond - incidentally containing an expression of astonishment at the scope of Confederate demands.<sup>1</sup> Even then, as if to clinch the matter, the King only consented to the erection of churches where Catholics were in the majority.<sup>2</sup> But what they might have observed further is that the Confederacy had publicly laid claim to the churches since its inauguration, that Charles must have known of this and that, if absolutely set upon obtaining troops, he had to promise to let them keep them. Here the mission of Colonel Fitzwilliam, has some significance. Fitzwilliam had assumed the two suspect concessions were to be granted. Knowing this, Henrietta Maria in Paris approved of his propositions.<sup>3</sup> So also, presumably, did the King since he chose to send him to Ireland. More remarkable still, George Digby had somehow led Fitzwilliam to believe that the concessions had already been granted. As on so many other occasions something which, at first

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<sup>1</sup> See above p. 297 ; Carte, VI, pp. 305-6.

<sup>2</sup> E.H.R., p. 699; Civil War, III, p. 34.

<sup>3</sup> The Papal Nuncio, Rinuccini, reported to Rome from Paris on August 19th: "I think your Eminence will be surprised to hear that the Queen offers far more ample conditions than the Irish demands"; Embassy, pp. 56-7.



sight, appears inexplicable, falls into place once it is accepted that Charles was absolutely determined to obtain a settlement without thought for the final reckoning.

Even if it be denied that Charles never intended to condone the acquisition of the churches, it still does not follow that Glamorgan had not comprehensive powers. If there were any point at all in sending Glamorgan to Ireland, it was because he might placate the Confederates where Ormond had failed. This being so, his terms of reference had necessarily to be loose. But to give him any latitude whatever was to run the risk that he might be over-generous, that his estimate of what was and was not important would not correspond with that of the King. Thus, Glamorgan presumably saw nothing wrong in acceding to the retention of the churches. After all he was a strong Catholic, and like Clanrickard he must have regarded it as a natural, legitimate demand. The King urgently needed troops. Was not this a logical exchange? Surely it is here the case again that many of Glamorgan's critics have looked at the episode from too ingrained an anti-Catholic point of view. What to them appeared substantial, thinking as they were in terms of the bitter hostility directed by Protestants against 'Papists', seemed of much less consequence to Glamorgan.

There is one point concerned with the arrangement of the Treaty which has never been given any attention and yet which, on the face of it, is fundamental. Why did the Commissioners of Peace accept Glamorgan's patent of March 12th without apparent question? They had spent over two years in negotiations in which the smallest detail had been examined meticulously and yet here they were on the strength of a single document hastily accepting sweeping concessions which Ormond had rejected out of hand and which the King was supposed to be powerless to offer. Surely the document must have looked irreproachable. Moreover, Glamorgan must have made a very favourable impression. It is necessary to emphasize these two conclusions for this reason. Those historians who do not believe Glamorgan was authorised to make the Treaty depict him as an eccentric fellow given to concocting impossible documents. How then did he manage to deceive the Peace Commissioners?<sup>1</sup>

Not that the Commissioners were so incautious as to guarantee the 10,000 troops without further ado. To

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<sup>1</sup> In general there is a tendency for those writers who do not believe Glamorgan was authorised to arrange a treaty illogically to claim on the one hand that he was too unstable, too scatter-brained, and, on the other, that there was need of "an adroit negotiator in Ireland (Gardiner, Civil War, II, p. 174) to second Ormond's efforts.

safeguard their interests they had Glamorgan swear an oath:

"I Edward Earl of Glamorgan do protest and swear, faithfully to acquaint the King's most excellent Majesty, with the proceedings of this Kingdom in order to his service, and to the endearment of this nation, and punctual performance of what I have (as authorized by his Majesty) obliged myself to see perform'd; and, in default, not to permit the army intrusted to my charge to adventure itself, or any considerable part thereof, until conditions from his Majesty, and by his Majesty, be performed.

Glamorgan"<sup>1</sup>

Moreover, the articles agreed with Glamorgan were not to be binding unless agreement was reached with Ormond over other than religious matters.<sup>2</sup>

As a further safeguard, three days later on August 28th, they published the following order, probably to mollify the suspicious General Assembly:

"The General Assembly order and declare, that their union and oath of association shall remain firm and inviolable, and in full strength, in all points, and to all purposes, until the articles of the intended peace shall be ratified in Parliament; notwithstanding any proclamation of the peace".<sup>3</sup>

For his part Glamorgan had protected the King by drawing

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<sup>1</sup> Gilbert, V, p. 79; Com. Rin., I, p. 564. My italics.

<sup>2</sup> Com. Rin., I, p. 567.

<sup>3</sup> Ibid., I, 565-6; T.C.P., XV, p. 418; Gilbert, V, p. 79. The General Assembly seems to have been cool towards the treaty, perhaps seeing it as yet another unilateral agreement made by the Ormondist party.



up a "Defeasance" on the day following the Treaty according to which he did not

" ..... intend thereby to oblige his majesty, other than he himself should please, after he had received there ten thousand men, as a pledge and testimony of the said Roman Catholics' loyalty and fidelity to his majesty: yet he promised faithfully upon his word and honour not to acquaint his majesty with this defeasance, till he had endeavoured, as far as in him lay, to induce his majesty to the granting of the particulars in the said articles: but that done, the said commissioners discharged the said Earl of Glamorgan, both in honour and conscience, of any further engagement to them therein; though his majesty should not be pleased to grant the said particulars in the articles mentioned; the said earl having given them assurance upon his word, honour, and voluntary oath, that he would never, to any person whatsoever, discern this defeasance in the interim without their consents".<sup>1</sup>

Both Gardiner and Round adduce this "defeasance" as evidence that Glamorgan knew he was doing wrong.<sup>2</sup> This is a permissible inference, but it is not the only one which can be made. The defeasance might again be seen as part of an elaborate plan to protect the king in the event of the scheme foundering.

Several questions arise out of the precautions taken

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<sup>1</sup> Cox, II, app., XXVII.

<sup>2</sup> E.H.R., p. 704; Civil War, III, pp. 35-6; Peerage and Family History, p. 415.

by both sides. What exactly was done by Glamorgan to obtain the King's approval of the concessions that he had offered ? There is no ~~visible~~ evidence that he did anything whatsoever, but of course this is not positive proof of inaction.

Secondly, there must have been some agreement as to the basis on which the Confederacy was to conduct future relations with Ormond. He could not be told that a treaty had been arranged and, yet, negotiations with him had to be resumed. Were they going simply to discuss political matters and announce out of the blue that they were prepared to waive their claims for religion for the time being ? It would seem that this was the device they decided to adopt - to judge from a declaration made by the General Assembly on September 9th:

"That they would send 10,000 men to aid the King and would refer to his Majesty's pleasure such things about Religion as Ormond either had not power or inclination to grant."<sup>1</sup>

In other words, with the coveted religious concessions in their pockets they were happy to confine their discussions with Ormond to economic and political conditions.

This summing-up of the plan of campaign they had in mind is reinforced by a letter from Glamorgan to Ormond also dated September 9th in which he reported

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<sup>1</sup> T.C.P., XV, p. 361.

that the Assembly had voted to raise 10,000 troops for the King and recommended that Ormond should refer any Confederate demands he had not the power to satisfy to the King. To this end he thought they would present their proposals in two parts. One part would be a statement of the concessions already offered by Ormond; the other:

"As a most humble petition to the King, Yet confiding that your Ex(cellency) will without theyr importunity graunt even as much of that petition as you shall finde within your power, giving them leave to appeale to his Majestie for the rest, in whose goodnesse with your Excellency's favourable and lawful concurrence, they will submit the same, and yet in the interim proceede to peace, and supplyes, saving to themselves the ensuing benefit of theyr sayd most humble petition."<sup>1</sup>

Further evidence that it was generally considered that there were now no serious obstacles to a public peace was contained in Clanrickard's correspondence. Thus, Muskerry wrote to him from Thurles on August 31st:

"My lord / according to my prom<sup>is</sup> I came hether w<sup>th</sup> my Lord of Glamorgan last night, the Articles for peace being by the Assembly agreed upon, before our departure from Kilkenny, & nothing left unconcluded, but only to despatch the Agents for Dublin w<sup>ch</sup> is resolved to be accomplished by Wensday next, on w<sup>ch</sup> wee intend to begin our jorny; whereof I thought fitt in pursuance of my ingadgement to yr L<sup>r</sup>., to give y<sup>u</sup> this intimation; and now that all the obstacles occurring

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<sup>1</sup> T.C.P., XV, p. 580; Gilbert, V, pp. 120-1.



to a happy settlement is cleere at Kilkenny ..."<sup>1</sup>  
 And Clanrickard himself informed Sir George Hamilton on  
 September 4th:

" ... I am much joyed that the treaty of peace  
 is brought to such a happy and secure condition,  
 & that my Lord Glamorgan by his power & interest  
 in the Cleargy hath brought them to be forward  
 instruments therein ..."<sup>2</sup>

The vote to appoint Glamorgan commander-in-chief  
 of the troops destined for England had apparently been  
 made after Clanrickard had left Kilkenny, for Sir George  
 Hamilton informed him on September 2nd:

"The Earl of Glamorgan was on Friday Last in the  
 Assembly house, where it was declared unto him  
 by m<sup>r</sup> Plunkett in a shorte speech that by the  
 unanimous consent of the whole assembly they  
 had mad choice of him to command the ten thousand  
 men that are to be sent into England".<sup>3</sup>

The choice of Glamorgan shocked Clanrickard because as  
 he explained years later in a note to Hamilton's letter:

" ... having beene my owne expectation to have  
 the Command of the army to be sent into England".

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<sup>1</sup> B.M., Add. MS., 42, 063, p. 110; <sup>2</sup> Ibid., pp. 110-11;  
 in a marginal note to a letter he had written to Taaffe  
 about this time Clanrickard later commented: "This lre  
 was written imediatly after my retorne home from Kilkeny  
 & as I was preparing for to go to Dublin where [c] ommiss-  
 ioners were expected from Kilkeny w<sup>th</sup> probability of  
 concluding the peace" (ibid., p. 109).

<sup>2</sup>

<sup>3</sup> Ibid., p. 110.

Indeed, so displeased was he that he:

"did somewhat incline me to absent myself from any further attendance, at least it was fitt it should appeare that I had some resentment of the busnes".<sup>1</sup>

While Scarampi's objections had not sufficed to prevent the Treaty from being signed, it was presumably in deference to the imminent arrival of the Papal Nuncio that no orders were given for mustering the 10,000 troops. From now on Glamorgan worked hard to force the pace. At the same time, in accordance with his obligation to Ormond, he tried to persuade the Supreme Council to consent to<sup>2</sup>public settlement without further delay.

The relationship between Ormond and Glamorgan has never been given much attention. To some historians it seemed to be of little importance; others were put off, perhaps, by the lack of information. This has been a serious oversight, for their correspondence contained valuable evidence. During his residence at Kilkenny between August 7th and December 24th, 1645, Glamorgan wrote 14 letters to Ormond and received at least two from Ormond in return. Nearly all were expressed in such vague language as to be almost incomprehensible. Even so, it is possible to state certain conclusions.

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<sup>1</sup> Ibid.

First, Glamorgan was so persistently effusive that even allowing for his natural temperament it would appear he was attempting to put Ormond off his guard.<sup>1</sup> Secondly, it had been agreed that his stay at Kilkenny should be short. Thirdly, he had not told Ormond anything about arranging a private treaty. Even after August 25th his letters referred only to the public treaty and his labours to further its conclusion. In one letter, dated August without the day of the month but almost certainly written before August 25th there occurred this passage:

"... and I flatter myself with a confidence that I shall bring them for the present to be satisfied without putting your Excellency to more than eyther you are willing to do, or indeed have power to perform, and for the rest to trust in his Majestie's goodness, when they shall have expressed their dutys".<sup>2</sup>

It is to be noted that this is virtually a paraphrase<sup>3</sup> of the first paragraph of the commission of January 2nd. Thus, the conclusion seems inescapable that Glamorgan had informed Ormond that he had been sent to second his efforts to make peace and not to act independently of him.

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<sup>1</sup> Cf. this typical sentiment: "... there being noe question but your Excellency hath power to command me anything"; Gilbert, V, p. 119.

<sup>2</sup> T.C.P., XV, p. 313; Gilbert, V, pp. 66-7.

<sup>3</sup> See above, pp. 313-4.



In the same letter Glamorgan remarked that while there was little outward hope of peace none the less he was optimistic. Then, on August 29th, four days after the conclusion of his own treaty, he wrote that agreement to peace terms had now become likely.<sup>1</sup> On August 30th, his optimism was unbounded; it would take Ormond but three days to bring off a final settlement.<sup>2</sup>

But his expectations were not realised and soon he was writing in terms of uncertainty.<sup>3</sup> Having counted upon his acceptance of the Confederates' demands concerning religion leading immediately to the provision of troops and the arrangement of a treaty with Ormond, he was now learning that a complex situation could not so easily be cleared up. Thus, whereas he had intended to return to Dublin as early as September 4th, he was forced to remain in Kilkenny until at least the middle of the month. Moreover, when informing Ormond on September 10th of the Assembly's vote to supply the 10,000 troops, he obviously expected difficulties to arise in the impending negotiations after all, for he

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<sup>1</sup> As Colonel Barry, who was returning to Dublin, would be able to assure him; T.C.P., XV, p. 330; Gilbert, V, p. 78.

<sup>2</sup> T.C.P., XV, p. 331; Gilbert, V, p. 78.

<sup>3</sup> Sept. 4, T.C.P., XV., p. 351; Gilbert, V, pp. 119-20; Sept. 9, *ibid.*, pp. 120-1; Sept. 10, *ibid.*, pp. 121-2.

proposed that if Ormond found he could not agree with all the Confederate demands, he should refer those in dispute to the King.<sup>1</sup>

The negotiations between Ormond and the Peace Commissioners were resumed on September 10th, much later than had been agreed at the time of their adjournment on August 6th. The intervening period had been covered by several extensions of the Cessation requested by the Supreme Council, with the support of Clanrickard, on the grounds that it was proving difficult to convene the members of the Supreme Council and that the debate in the General Assembly was bound to be prolonged.<sup>2</sup> It might have been added that time was required for consultations with Glamorgan.

Ormond rejected a specific proposal that the Cessation should be extended until 10 days after the negotiations for a treaty had come to an end,<sup>3</sup> since an indefinite extension of this kind would create the

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<sup>1</sup> T.C.P., XV, p. 361.

<sup>2</sup> Commissioners to Ormond, Aug. 11, T.C.P., XV, p. 240; Gilbert, V, p. 55; same to the same, Aug. 23, T.C.P., XV, p. 489; Gilbert, V, pp. 64-5; same to the same, Aug. 29, T.C.P., p. 526; Gilbert, V, p. 77.

<sup>3</sup> Aug. 16, T.C.P., XV, p. 440; Gilbert, V, p. 60.

impression among the King's loyal Protestant subjects that a final settlement was not seriously being considered and would seriously depress them.<sup>1</sup> This was only one reason for rejection. As the Confederates had obligingly pointed out, short-term extensions of the truce made it impossible to commit all their troops against the Scots. Ormond was not disposed to help them out of their difficulty.

Perhaps in a further attempt to prevent Ormond from being too inquisitive at the delay occasioned by their discussions with Glamorgan, the Confederates acceded to his request that they should march against the Scots. As in the past, however, they suggested that Ormond "do appeare in person in the army, to avoide dashing between your Excellencie's general officers and them."<sup>2</sup> Later on, they had intelligence that the Scots were marching out against them and asked that, as they had agreed to protect Ormond's quarters, he should do the same for them.<sup>3</sup> In fact, neither side took any action.

After the last adjournment Ormond had decided to

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<sup>1</sup> T.C.P., XV, p. 464; Gilbert, V, pp. 62-3.

<sup>2</sup> Muskerry to Ormond, Aug. 18, T.C.P., XV, p. 279; Gilbert, V, p. 62.

<sup>3</sup> Commissioners to Ormond, Aug. 29, T.C.P., XV, p. 580; Gilbert, V, p. 77.



be more generous over several minor points. This is clear from several explanatory notes which he authorised Clanrickard to invoke if the Confederates should ask for more details of the concessions he had offered: the Court of Wards should be abolished in return for £15,000 a year; two Roman Catholics would be appointed to each judicial bench;<sup>1</sup> Catholics might have free schools.<sup>2</sup> These 'annotations' were scarcely calculated to break any deadlock. The question which concerned Clanrickard to the exclusion of all others was what should he reply if they were to ask whether Ormond intended to demand the restoration of the churches in their possession by an express article.<sup>3</sup>

The new session of the public negotiations lasted from September 10th until November 21st. Despite a brisk opening, during which Ormond asked for and received the assurance that no fresh demands would be presented, surprisingly little progress was made. Indeed, religious questions still dominated the discussions which were as

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<sup>1</sup> The actual number was given in answer to a request from Clanrickard, T.C.P., XV, p. 238; Gilbert, V, p. 54.

<sup>2</sup> Remembrances for my Lord the Marquis of Clanrickard, Aug. 8, T.C.P., XV, p. 233.

<sup>3</sup> T.C.P., XV, p. 238.

stuffed with details as ever. This lack of progress was all the more remarkable in view of the fact that Ormond, who might have been expected to raise most of the difficulties, was for once optimistic at the outset.<sup>1</sup> The only promising development was that some time was given to discussion of the system of government that should be established between the declaration of peace and the full restoration of the sovereignty of the King in Parliament.<sup>2</sup>

Though certainly not present at the beginning, Glamorgan attended the negotiations for a period which it is impossible to estimate. "At Dublin" on September 29th he prepared an important declaration for Ormond's benefit. This disclosed that he had not only informed the Confederates that he was to be Ormond's successor as Lord Lieutenant but that through some unknown source Ormond had come to hear of it and had naturally registered a strong protest. Glamorgan's defence began:

"For to endeare myself to some, the better to doe his Majestie's service it is true I did declare a promise from the King of his assent, that after your Excellency's time, he would make me Lord Lieutenant"

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<sup>1</sup> Ormond to Digby, Aug. 14, *ibid.*, p. 256.

<sup>2</sup> Once again all the documents pertaining to this session are to be found among the Carte Papers, vols. XV and XVI; see also Gilbert, V, pp. 80-117, pp. 123-96.

Of course, he continued, he had never had the slightest intention of replacing Ormond during his lifetime.<sup>1</sup> This incident might be interpreted as showing Glamorgan capable of any trickery in pursuit of his aims but for two relevant facts: there is no reason to disbelieve that the King had said he might be appointed as Ormond's successor;<sup>2</sup> Ormond did not report the matter to the King but continued to look upon Glamorgan as a useful aide right up to the time when he received a copy of Glamorgan's treaty. This indicates that he believed Glamorgan was telling the truth.

Glamorgan returned to Kilkenny on November 20th.<sup>3</sup> Shortly afterwards he received a letter from Ormond about the recent negotiations:

"Having told your Lordship that I am at the highest I will venture in this great affair, I should beseech your Lordship for the accomplishment of those noble ends that induced you through so great and apparent dangers to undertake this journey now to set all your strength upon bringing it to a good that is a speedy conclusion"

Even allowing for some exaggeration this extract shows that Ormond had still sufficient faith in his judgement to hope that he might persuade the Confederates to agree

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<sup>1</sup> T.C.P., XV, p. 428; Gilbert, p. 122.

<sup>2</sup> See below, p. 546.

<sup>3</sup> Cf. a note in one of the Papal Nuncio's letters to Rome, Embassy, p. 89.



settlement.  
to an immediate/ Ormond also required his advice as to how he should react to the recently reported arrival of a papal nuncio.<sup>1</sup>

During the period between July and October while Glamorgan had been arranging his treaty and trying to spur the Confederates into fulfilling their obligations promptly and while Ormond and the Confederate Commissioners had been locked once more in their endless dialogue, Charles' movements in England had given the impression that he was expecting succour from Ireland. In July, he marched, as has been seen, into South Wales establishing his main base at Raglan Castle, home of Glamorgan's father, the Marquis of Worcester. On August 5th he marched north<sup>2</sup> but returned again in September for a short stay.<sup>3</sup> Professor A.H. Dodd maintains that he entered South Wales with the express purpose of waiting for Glamorgan to land with his 10,000 troops.<sup>4</sup> This may have been so but it is not possible to be sure. For one thing, both his visits to Raglan were short; the first only lasted until August 5th. Moreover, he could scarcely have given Glamorgan explicit instructions

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<sup>1</sup> T.C.P., XVI, p. 175; Gilbert, pp. 198-9.

<sup>2</sup> A.H. Burne and G. Young, The Great Civil War, London, 1959, p. 217.

<sup>3</sup> Symonds, p. 233.

<sup>4</sup> Op.cit., pp. 90-1

to land in South Wales while he was actually there, unless, that is they went astray, for Glamorgan's whole object in the first instance was the relief of Chester; nor is there any evidence that Glamorgan ever informed the Confederacy that he must be in South Wales at any particular time in order to rendezvous with the King.

In fact, Charles' marches between July and the end of the year afford anything but an impression of careful planning. Encouraged by the irrepressible Digby, he was determined to hold out until the last hour in the belief that God would not permit his enemies to triumph over him. In the first place, it was Montrose or the Irish, or a combination of both on whom he depended for his salvation.<sup>1</sup> Then, after Montrose's ~~victory~~<sup>defeat</sup> at Philipaugh on September 13th, it was on the Irish alone, until his hopes of Scotland revived again in mid-October. But as to whether the Irish troops should be brought over by Glamorgan or by Ormond himself and as to whether they should land in South Wales or North Wales, or indeed at Chester, he did not care so long as they came.

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<sup>1</sup> Digby to Nicholas, *Nicholas Papers*, ed. G.F. Warner, Camden Soc., London, 1886, I, p. 64; Digby to Ormond, Sept. 26, Carte, VI, pp. 320-1; apparently there was hope of aid even from Denmark, cf. Digby to Jermyn, Aug. 27, Warburton, III, p. 159.

For the rest, his movements were dictated by purely administrative and strategic factors.<sup>1</sup>

At Digby's instigation there was apparently some scheme for bringing over Ormond even without an army. As Digby put it, the Royalists were in even greater need of a general than of reinforcements. Prince Rupert's fall from grace had made it possible for Ormond to take his place.<sup>2</sup>

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<sup>1</sup> Until the end of September, when he established his H.Q. at Newark, he stayed in Wales, apart from one erratic incursion into England in the month of August. Wales was the only area in the whole kingdom where he could find refuge and still pick up some recruits. At first he stayed at Raglan but marched north to Denbigh when the fall of Bristol made South Wales unsafe (Wedgwood, The King's War, p. 293). Afterwards, he was concerned with keeping open the port of Chester since it was the only place left to receive the Irish troops.

Parliamentarian intelligence reports attributed the King's movements at this time to his expectation of Irish aid. Thus:

"The Peace is now concluded in Ireland, and Letters sent over to testifie his Majesty of it, and six thousand are already in the field, of the 10,000 agreed to come over hither, for whose coming its believed His Majesty will stay in Wales to joyn with them, if he cannot raise a considerable party there to relieve Bristol" (The Kingdoms Weekly Intelligence, Sept. 2-9, 1645)

Again:

"We understand that the King did the rather march into Wales, because he doth expect some supplys from Ireland to land in that Dominion, and for that purpose he hath imployed two great Agents of his into Ireland, the Lord Herbert of Ragland, and the Lord Byron" (The Parliament Post, circa Sept. 8, 1645)

And again:

"... on the other side, the King thought himself so sure of the Ten thousand men from them, that Sir Marmaduke Langdale was in July sent with seven hundred horse to Carnarvon, to receive and conduct them as there should be occasion" (Cox, II, p. 151)



It is hard to believe that the King shared this opinion of the relative value of a commander as against troops. In his only letter to Ormond between August 1st and December 1st that has been preserved he made no bones about stating his prime need. Having first commanded Ormond to apprise the Council of all the concessions he was prepared to make to the Confederates - previously he had always wanted the Council to know as little as possible - so as to satisfy Ormond's scruples about taking action without the Council's knowledge, he continued:

"But the Irish peace is of such absolute necessity, that noe complements or perticuler respects whatsoever must hinder it. Wherefore I absolutely commaund you (and without reply) to execute the directions I sent you the 27th of February last; giving you leave to gett the approbation of the councell soe as, and noe otherwise, that by seekeing itt you doe not hazard the peace, or soe much as an affront by their foolish refuseing to concur with you"

This letter was sent on October 22nd.<sup>1</sup> By the beginning of December no Irish troops had come to his rescue nor had he received any news from Ormond. The absence of news was particularly distressing because he could not wait for ever for the troops to come and must

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<sup>1</sup> Ibid., p. 325. In his published collection Carte placed this letter immediately after one from Ormond to the King dated October 18th, 1644, as though it were sent in reply. This could scarcely have been the case.

be prepared, however reluctantly, to make an alternative plan. Accordingly he sent an urgent message to Ormond demanding to know exactly what aid he could expect.

There was now, however, a pronounced change in his attitude towards the negotiations with the Irish. Unless he could be assured that ten thousand well-armed Irish horse and foot would land in England before the first of March:

"a peace with our Roman catholique subjects there will not bee of so much advantage to us, as a continued cessation"

Thus, Ormond must either arrange a treaty at once and insure that the requisite force was despatched before the prescribed date or play for time.<sup>1</sup> It is not difficult to divine what was in the King's mind. If he were not to benefit from Irish assistance after all, it was essential not to impair negotiations with the Scots. For, having been defeated in the field, he was hoping to emerge triumphantly from his tribulations through the skilful exploitation of the divisions among his enemies.

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<sup>1</sup> Oxford, Dec. 2, Carte, VI, pp. 328-9. Shortly after this, on the 8th of the month, Nicholas informed Ormond while enjoining the greatest secrecy that it was intended to send the Duke of York to Ireland; *ibid.*, pp. 329-30. This intention was never carried out, perhaps because Ormond advised against it; Ormond to Nicholas, Jan. 19, 1646, *ibid.*, pp. 342-4.

The most extraordinary feature of these months when Charles had been anxiously awaiting troops from Ireland was that to all appearances Ormond was oblivious to the commands which he received. Thus, on July he had been ordered to raise what troops he could and lead them in person to England, and yet there is no evidence whatsoever that he made any effort to obey. In August, he had been anxious to hasten the peace but it is scarcely possible to detect any uncommon urgency in his conduct of negotiations during the period September 10th to November 20th. Plainly he was still not prepared either publicly or surreptitiously to make any further concessions in spite of the fact that the King was on the verge of total defeat. His honour, and, as he chose to conceive it, that of the King also, could not be sacrificed for the sake of expediency.<sup>1</sup> In any case, whatever prospects he had of a quick settlement with the Confederacy were about to be dashed by the untimely disclosure of Glamorgan's treaty and the opposition of the Papal Nuncio, who had arrived at Kilkenny in October.

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<sup>1</sup> An inkling of his state of mind at this time may be obtained from a letter he wrote to Sir Philip Percivall on October 29th; Carte, VI, pp. 325-7.

<sup>2</sup> He did not reply to the King's letter of December 2nd until January 19th; *ibid.*, pp. 344-7. By that time Glamorgan's ~~arrest~~ had put an end to negotiations with the Irish.



## Chapter VIII

### Negotiations in Paris between the Papal Nuncio

and Henrietta Maria, 1644-5.

An account of the negotiations between Charles I and the Confederacy would be incomplete without reference to events in Paris and Rome, for not only were the Pope and the French government interested parties but Charles frequently acted through Henrietta Maria after she had taken up residence at St. Germain in the autumn of 1644. Henrietta Maria held discussions with the Irish agents in Paris and occasionally corresponded directly both with the Supreme Council at Kilkenny and Ormond in Dublin, particularly after the King had given himself up to the Scots. Moreover, on his way to Ireland, the newly appointed papal nuncio, Rimuccini, delayed for several months in Paris in the vain belief that Charles and the Confederacy might be reconciled through negotiations between Henrietta Maria and himself.

Innocent X, who became Pope on September 15, 1644, was keen to exploit the struggle between King and Parliament with a view to restoring Catholicism not only as the national religion of Ireland but of England as well. Not trusting in the spiritual honesty and determination of the Confederate leaders and following a suggestion

of Wadding,<sup>1</sup> he decided in March 1645, to appoint a Nuncio to Ireland and to supply him with arms and money to be distributed at his discretion.<sup>2</sup> The cleric chosen for what was commonly expected to be an arduous and unrewarding mission, was a man of strong metal. John Baptista Rinuccini, Archbishop of the small diocese of Fermo, a Roman by birth and a distinguished canonical scholar, had refused promotion to the splendid see of Florence out of loyalty to and affection for his flock.<sup>3</sup> His credentials were impeccable. He was intelligent, pious, selfless and of unquestionable integrity. Though the second choice for the Embassy, his must have seemed a sound appointment. Unfortunately, he had certain defects of mind and temperament which had passed unnoticed in the comparatively unruffled world of Fermo. He lacked breadth of vision, a sense of humour and an essential generosity of mind, he was inclined to make hasty judgments and, above all, he was spiritually arrogant. These defects were rapidly to be exposed.

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<sup>1</sup> Franciscan Fathers, op.cit., p. 50.

<sup>2</sup> The Supreme Council had before this requested that Scarampi be given the status of nuncio, Com. Rep., I, p. 429.

<sup>3</sup> M.J. Hynes, The Mission of Rinuccini, 1645-9, Dublin, 1932, p. 16.

Perhaps he himself had some presentiment of disaster, or perhaps it was simply that the prospect of a long residence in a rugged and remote country inhabited by barbarians did not appeal to his Italian imagination, ageing and sick as he was. At any rate, he took the precaution of requesting that his see be kept vacant against his return. For good or ill his mission was to shatter the transparent unanimity of the Confederates and to bedevil yet more the tangled negotiations with the King.

The Pope's purpose in sending him to Ireland was summed up in his instructions. His main duty was "to establish in Ireland an unalterable right to the public exercise of the Catholic religion",<sup>1</sup> as the pre-condition of any declaration of peace. The body of his instructions is notable for its insight into remote as well as recent Irish history and for its surprising objectivity. It was probably the work of Invernizi, who had accompanied Scarampi to Ireland, and Father Luke Wadding, perhaps the most distinguished Irish cleric of this period.<sup>2</sup> Though resident in Rome, Wadding was the hub of the

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<sup>1</sup> Embassy in Ireland, ed. Annie Hutton, Dublin, 1873, XL.

<sup>2</sup> Wadding had been put forward by the Confederates as a candidate for a red hat but he himself had suppressed the letter of request, Franciscan Fathers, op.cit., p. 248.



Confederates' negotiations abroad. Rinuccini was to apprise the Archbishops of the object of his mission and of the assistance that they were to receive from the Pope and the Catholic Princes. At all costs, he was to persuade the clergy to adopt a common programme. He was to apply all his skill to wooing those Roman Catholics who were content with private worship, and he was to allay the fears of those other Catholics who feared that a restoration of the public exercise of their religion would bring with it the rigorous enforcement of the disciplinary decrees of the Council of Trent. To facilitate his mission, he was to have the power of presentation to vacant sees.

He was particularly warned against two sources of opposition - those Catholics in possession of Church lands and Ormond: Ormond and the Ormondists.<sup>1</sup> This was a necessary, but, as it turned out, an injudicious warning, owing to Rinuccini's habit of making impulsive judgments. For Rinuccini behaved from the outset as though he were dealing with irreconcilable and malignant enemies, thus denying himself the diplomatic advantage of remaining above the battle in the role of a fair-minded referee. The warning against the Lord Lieutenant

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<sup>1</sup> Embassy, XXVII-L

was particularly ill-starred. It was said that Ormond would never give an inch except under duress, that his deliberate strategy was to blunt the edge of the Confederates' enthusiasm by delaying tactics, and that he sought to sow dissension between the Old and the New Irish. Paradoxically, it was also pointed out that as he sprang from a Catholic family some slender chance might yet remain of bringing him back to his natural spiritual home, if, for example, his Catholic brother, Richard, were to approach him.<sup>1</sup> This characteristic hovering was probably intended to encourage Rinuccini to proceed with finesse and to leave himself freedom to manoeuvre. In the event it had the contrary effect, perhaps by inducing Rinuccini to feel contempt for a lapsed catholic. At any rate, he developed a dislike for Ormond which crippled his judgment and made his rejection of any peace to which Ormond was a party inevitable. None of this is to overlook either the tepid Catholicism of the Ormondists or the Protestant obstreperousness of Ormond. But the task of Rinuccini was to regard them as two of the many factors in the situation and not to take immediate sides against them.

While the Pope obviously feared that the Irish might submit to a peace that would leave their religion in

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<sup>1</sup> Ibid., Secret Instructions, lv.

jeopardy and so desired to have his personal representative on the spot to hold them steadfast, he realised that the very appointment of an official Nuncio was bound to suggest to Charles that he planned to make Ireland a Papal fief, especially as doubt had been cast from time to time upon the validity of the donation of Ireland to Henry II by the English Pope, Adrian IV, and there were still those who believed that the King of England had no title to Ireland.<sup>1</sup> Rinuccini was carefully to dispel this impression. Any tendency to undermine the King's basic sovereignty, which was always a possibility, seeing the Irish inclination to extreme courses, was to be avoided. One wonders whether it occurred to Innocent that he was thus saddling Rinuccini with a difficult burden from the outset, for he was to enjoin the Irish not to accept terms which failed to guarantee full and permanent freedom of religion and simultaneously he was to avoid giving the impression that this involved any diminution of the authority of the Crown. The ambiguity of his instructions concerning the King's sovereignty only ceased to weigh heavily on Rinuccini when, in August, 1646, he committed himself irrevocably to directing the Confederate movement himself,<sup>2</sup>

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<sup>1</sup> Hynes, p. 23.

<sup>2</sup> See below, p. 520 ff.



an act for which he was to receive no approval from the Pope.

In addition, Rinuccini received special instructions<sup>1</sup> with regard to Henrietta Maria, whom he was to visit on his way through Paris. He was to assure her and her chief minister, Lord Jermyn, who was rightly considered in Rome to be very influential, that his business in Ireland portended no threat to the King of England but was concerned only with the propagation of the Catholic religion in his kingdoms. In support of this assurance, he was to present her with a brief from the Pope and a letter from Cardinal Pamphilio, the Pope's nephew and the day-to-day supervisor of Rinuccini's mission. Even so, he was to make the telling point that the King could expect relief from no other source than Ireland. In corresponding with the Queen he was to employ as go-between some discreet person of comparative unimportance so that suspicions about the purport of the traffic might be averted; he was also to make shift to convince the Queen that his mission was essential to the restoration of her husband to his throne, and to try to persuade her to use all her influence with the King so that he might come to an understanding with the Confederates, and all her influence with Ormond so that he might surrender

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<sup>1</sup> Embassy, l i - l ii.

Dublin and the other strongholds under his control to the Confederates rather than to the Puritans. In particular, he was to dissuade the Queen from going to Ireland, it being known that Bellings had invited her to do so. The Pope was entirely opposed to this proposal on the grounds that the Confederates could not afford to maintain the Queen's household and that her Protestant advisers would create mischief.<sup>1</sup>

As Rinuccini was going to journey through France, he was to be wary of attempts to detain him. He was to assure the French Queen Mother and Mazarin, who were hostile to the Pope because they believed him to be sympathetic to Spain, of the Pope's friendship and regard for them.<sup>2</sup> This was no doubt considered an essential precaution; if Mazarin were to think for one moment that the Nuncio's mission to Ireland was likely to benefit Spain, he would endeavour to hinder it.

As the Pope and Pamphilio had foreseen, Charles and Henrietta Maria assumed that Rinuccini's embassy boded no good.<sup>3</sup> At the very least he would unite the Catholic

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<sup>1</sup> Embassy, l v.

<sup>2</sup> Ibid., l ii.

<sup>3</sup> On a previous occasion Charles had protested to Rome about the activities in Ireland of a priest who carried papal credentials. Cardinal Barberini had quickly assured him that the Holy See had no designs on Ireland but, far from it, wished to see the royal authority maintained. Albion, p. 377.

clergy. Moreover, Henrietta Maria and her circle at Saint Germain seem to have been convinced throughout the greater part of 1645 that a declaration of peace in Ireland was imminent. This being so, it was important to keep Rinuccini out of the way in case he raised difficulties.<sup>1</sup> It must also have occurred to the Queen that once a declaration of peace had been made his mission would cease to have any purpose.

Henrietta Maria had been soliciting aid for her husband ever since her arrival in Paris in November of the preceding year. At first she had bargained for the mercenary services of the Duke of Lorraine,<sup>2</sup> and negotiated at some length with the Dutch. But both these efforts had failed and she found herself dependent in practice upon the Vatican, the French, and the Irish Catholics. To France and to the Pope she appealed as a co-religionist and as one whose husband in fighting for the ideal of absolute monarchy was serving their interests as well as his own; to the French King she added

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<sup>1</sup> It is important to notice that in so far as Charles was concerned this is only an inference. There is no direct evidence whatsoever of such a purpose, except, that is, the Commentarius ! 1, pp. 652-3.

<sup>2</sup> Upon the suggestion of Mazarin who spoke of arranging the necessary payment. Henrietta Maria to the King, Nov. 23, 1644, Green, pp. 268-9.



the additional plea of kinship.

She would doubtless have preferred to receive aid exclusively from one or other of these two and to have avoided negotiations with the Irish altogether, but this proved to be impossible. Both the Pope and France intended to include the Irish question in any dealings with Charles.<sup>1</sup> Here they were supported by the Irish agent in Paris, O'Hartegan, and the English Catholics, by now a fairly large colony resident there. All hoped for the victory of the Confederacy, not only, though primarily, for the sake of the Church in Ireland but because they envisaged the triumphant Confederates setting sail for England on condition that the King guaranteed complete toleration for the English Catholics. They saw that if all available resources were ceded to Charles and, with their help, he defeated Parliament, he might not repeal the penal laws against the English Catholics. Rescued by the Confederacy, on the other hand, he would be obliged to do so. Moreover, if he overcame Parliament without Irish intervention, he would owe the Confederates nothing and might even agree to take punitive action against them. In any case, so slight were available funds - the bulk of the income of the French treasury was earmarked for the Thirty Years War - that, divided, they might prove

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<sup>1</sup> This was also a major concern of the Earl of Glamorgan.

inadequate to the needs of each recipient. Undivided, they might be of decisive use to one or the other. The case for concentrating all aid upon Ireland was strong.

It is to be added that in the eyes of Cardinal Mazarin, the prospect of a weakened England alongside a free, Catholic Ireland owing its independence to France, was by no means displeasing. Against this, his suspicions of the pro-Spanish leanings of the Pope disposed him to refrain from giving any assistance to Rinuccini, lest Spain's influence in Ireland should thereby be enhanced.<sup>1</sup> Of course, Mazarin had to conceal the direction of his thoughts: it was hardly fitting that he should appear to support rebellious subjects against their sovereign, especially in view of the close relationship between Charles I and Louis XIII.<sup>2</sup> So successful

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<sup>1</sup> The French might have given much more aid to the Irish throughout the Rebellion but for the suspicion of their connexion with Spain; cf. *Com. Rin.*, I, p. 651; see also, Gilbert (Bellings), IV, p. 4: "... so now it was discovered, that unless the Confederates would wholly decline Spaine, and cast themselves intirely on France, nothing which would be considerable was to be expected from thence."

<sup>2</sup> After Naseby, Mazarin privately considered the King to be doomed. He was anxious therefore to display no undue warmth either for the King or the Irish for fear of incurring the official displeasure of the English Parliament, *ibid.*, IV, p. 5.

was he in this concealment that Henrietta Maria wrote enthusiastically for some time on the theme of his generosity and zeal for the royalist cause.<sup>1</sup>

As for the English Catholics, they had no particular love for the Irish, whom they regarded as an inferior race, but they appreciated the benefits which they might obtain from a royal victory achieved through Irish help for which toleration had been a precondition.<sup>2</sup> And, lastly, the Irish agents anxiously lobbied the Pope and the French to insure that the King should not be strengthened at their expense nor indeed without their help.

So it was that Henrietta Maria had no choice but to take the Irish into account. It may be that this necessity did not greatly disturb her, though some would have it so. Writers with catholic sympathies regard Henrietta Maria as having been influenced by her protestant advisers to take a hostile view of the Confederacy. Thus Bellesheim wrote,

"Influenced by Ormond's creatures in Paris, she was most deeply prejudiced against the Irish cause!"<sup>3</sup>

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<sup>1</sup> Cf. her letter to Mazarin, 1 Jan. 1646, Green, p. 310. On the other hand there is no doubt that the sympathy shown for Henrietta Maria by the Queen Regent was genuine.

<sup>2</sup> See their memorial to the Pope, below pp. 397-9.

<sup>3</sup> A. Bellesheim, The Papal Nuncio among the Irish Confederates, trans., Dublin, 1908, p. 8.



We have also the contemporary aside,

"except that the Queen goes to Mass she has no other religion than that of Lord Jermyn."

from the Franciscan, Barron, to his uncle Fr. Wadding.<sup>1</sup>

Such comments may be only partly justified. It is true that Henrietta Maria had some contempt for Irish speech and customs and that she referred to the Confederates on several occasions as rebels. And yet she had been urging the use of Irish troops in England for some time<sup>2</sup> and in proportion as the King's strength declined so she increased her efforts to obtain them. Indeed, more than once she accused Charles himself of hanging back in his negotiations with the Confederacy.<sup>3</sup>

The correct explanation of Henrietta Maria's <sup>attitude</sup> was to be found in her impulsiveness. She was temperamentally out of tune with slow-moving and intricate negotiations of any kind and never pursued any policy through thick and thin. Thus, her interest in the Irish simply varied

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<sup>1</sup> Cardinal Moran, Spicilegium Ossoriense, II, p. 25.

<sup>2</sup> In April, 1644, she had suggested that she might use her good offices to facilitate a settlement during the Oxford Conference; see above, p. 179, fn. 2.

<sup>3</sup> Cf: "I am astonished that the Irish do not give themselves to some foreign King; you will force them to it at last, seeing themselves offered in sacrifice". Dec. 1/11, 1645, Green, p. 336.

with the urgency of her husband's need of them. Belle-sheim's innuendo that she was under the thumb of 'Ormond's creatures' is nowhere borne out by the evidence. Far from supporting Ormond she regarded him as the main obstacle in the way of agreement with the Confederates.<sup>1</sup> Her occasional testy comments were probably inspired more by frustration at her failure to obtain aid than by any deep feeling of dislike. After all, she was a woman of spirit whose considerable energies were entirely absorbed in fighting her husband's battles. She would speak vexatiously of anyone who stood in the way of her helping him. Besides, it is difficult to cast the urbane Jermyn and the rest in the roles of zealous anti-Papists. Whenever they impugned the Confederates, it was for the material reason that they wished to attract to England all the Continental subsidies which might be forthcoming rather than that they were exercised by tender consciences. They were, moreover, always sanguine about the prospects for an Irish peace and quite ignorant of the factiousness of the parties involved.

Just before Henrietta Maria's arrival, a joint committee of Irish and English Catholics had been formed in Paris to co-ordinate their efforts and to avoid the danger of damaging each others prospects. Their first

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<sup>1</sup> See below, pp. 407-8

resolution underscored this object: they agreed that the first essential step should be to assure the freedom of the Catholic religion in Ireland, from which freedom for Catholics in England might be expected to follow.<sup>1</sup>

Her coming sparked off a series of meetings between this committee and the French ministers to discuss terms for a settlement with the King and also the question of her going to Ireland. Of this period we have a slender account in the letters from O'Hartegan to the Supreme

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<sup>1</sup> The two parties on the committee may not have trusted each other wholeheartedly. On November 27th, 1644, O'Hartigan wrote to the Supreme Council:

"That my Lord (Abbot) Mountague said to him in his Ear that he should write to Your Lordships, not to trust most of the English, even the very Catholicks, who have more National than Religious thoughts."

This same letter also contained the following cryptic remarks:

"That the Queen, talking of Ormond, said, it was hard to trust, Believe, or Rely upon any Irish-man that is a Protestant, for every such Irishman that goes to Church, does it against his conscience and knows he betrays God - that the King is easie and not to be trusted - That the Queen will be cast upon the Irish, and therefore advises them to play the cunning workmen to take measure of her."

Cox, pp. 149-50; Husband, part 2, p. 833; Cl. S. P., 11, p. 176.

Rinuccini was also warned against the English Catholics in his instructions - both their advice and their motives were to be treated with suspicion. Embassy, 1 ii.



Council and from the Queen to Charles.

The first approach came from the Irish side.<sup>1</sup> The Confederates were always inclined to expect much from the Queen merely because she was a sister Catholic.<sup>2</sup> As for Henrietta, she could not have taken the first months of negotiations very seriously, for during this period Mazarin continued to be full of promises while the Dutch and the Lorrainers appeared still open to persuasion.<sup>3</sup> At the same time, she did not want to alienate the Irish agents but rather to keep them on leading strings which could be shortened or lengthened at will. Consequently, she gave restrained encouragement to O'Hartegan.<sup>4</sup>

On November 27th O'Hartegan reported that she had stated her conviction that the King's restoration depended on Irish assistance.<sup>5</sup> And, on December 4th, in the

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<sup>1</sup> On December 3rd Henrietta Maria informed the King that the Irish had made her many offers; Greene, p. 269.

<sup>2</sup> Their very first approach to the King had been made through her; see above, p. 60. It is also interesting to note that whereas Bellings, who had been sent abroad in November, 1644, with a series of commissions to the Pope, Louis XIV, Mazarin, Henrietta Maria, and others, (Gilbert (Bellings)), IV, pp. 69-77, had been instructed to avoid a meeting with Mazarin he was to make a point of seeing Henrietta Maria; *ibid.*, p. 2.

<sup>3</sup> She was still optimistic as late as March 21st; cf. her letter of that date to Charles, Greene, p. 298.

<sup>4</sup> O'Hartegan to Geoffrey Browne, T.C.P., XII, p. 358; Gilbert, IV, p. 45.

<sup>5</sup> Same to the Supreme Council, Clar. S. P., ii, p. 176.

course of an interview she had impressed upon Mazarin the need to succour the King through Ireland.<sup>1</sup> A fortnight later Henrietta herself enjoined the King to hasten the Irish peace<sup>2</sup> and almost simultaneously she urged the Supreme Council to be more conciliatory towards Ormond.<sup>3</sup>

Shortly after this, Henrietta complained sadly that Charles was keeping her in the dark. Her anxiety was particularly acute because she feared that the King in his negotiations with Parliament at Uxbridge might commit some serious error.<sup>4</sup> In a further letter she warned him specifically against any reconciliation which would oblige him to deal harshly with his Catholic subjects:

"for if you do agree upon strictnesse against the Catholiques, it would discourage them to serve you; and if afterwards there should be no Peace, you could never expect succours either from Ireland, or from any other Catholique Prince, for they would believe you would abandon them after you had served yourself."<sup>5</sup>

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<sup>1</sup> Same to the same, Carte, VI, pp. 216-8.

<sup>2</sup> Gilbert, IV, XIX-XXI; Green, p. 270.

<sup>3</sup> Com. Rin., I, p. 495, Dec. 28. They should be satisfied with the concessions specified in Ormond's commission. Scarampi sent her letter to Rome where it was given to Rinuccini on May 8th; cf. Embassy, pp. 553-4.

<sup>4</sup> Dec. 30, Green, pp. 276-7.

<sup>5</sup> January, *ibid.*, pp. 279-80.

Charles denied that he was hiding things from her. According to his own lights he was no doubt being truthful, but Henrietta had legitimate cause for complaint. He had neither the time nor, perhaps, the inclination to keep her informed of all his plans. Moreover, there were occasions such as this one when it was physically impossible to maintain regular communications with Paris. Thus, Henrietta frequently had to eat her heart out for news of her husband and such policies as she had in hand were always in danger of being undone by events in England.

That she continued to hold discussions with the Irish agents may be inferred from the next exchange of letters between herself and Charles. On February 28th Charles warned her not to have too much to do with the Irish.<sup>1</sup> Was he afraid that she might impulsively conclude some wild agreement or was he merely alarmed at the rumours then current in England that the 'Catholic' Queen was consorting shamelessly with the rebel Irish? We shall never know. Certainly his warning angered Henrietta Maria who, by an ironic coincidence, had written to him on the very same day to say that she was much troubled for fear he had no intention of making

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<sup>1</sup> Green, p. 290.



peace with the Irish "which is ruinous for you and me".<sup>1</sup>  
 At any rate he was soon trying to mollify her. He did not question the soundness of her judgement, he wrote, "for I desire nothing more than a peace there, and never forbade they commerce there."<sup>2</sup>

And, indeed, it is a remarkable fact that exactly seven days after he had cautioned her to be careful in her relations with the Irish, he sent her sweeping authority:

"to promise in my name (to whom thou thinkest most fit) that I will take away all the penal laws against Roman Catholics in England as soon as God shall enable me to do it ..."<sup>3</sup>

This authority may have been sent at her own request, because almost immediately after receiving it she made a direct approach to the Pope for assistance.<sup>4</sup> It soon became clear that she intended to use this authority as a bargaining counter without reference to the Irish. Only after the catastrophe at Naseby does she appear to have used it in negotiations with the Irish.

Henrietta was made inactive in April by an attack of the ague.<sup>5</sup> Then in May she heard good news from

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<sup>1</sup> Ibid., pp. 290-1.

<sup>2</sup> Ibid.

<sup>3</sup> Ibid., p. 291.

<sup>4</sup> Green, p. 299.

<sup>5</sup> Cf. Jermyn to Digby, *ibid.*, pp. 301-2.

Charles. Ormond had hesitated to offer the latest concessions to the Irish which he, Charles, had instructed him to make. However, Charles had overcome his scruples so:

"... that nothing but his disobedience (which I cannot expect) can hinder speedily the peace of Ireland".<sup>1</sup>

This may well have been the source of the prevailing optimism at Saint-Germain. It may also explain why the Queen thought it possible to reach agreement with the Pope without bringing in the question of the Irish Catholics.<sup>2</sup>

Meanwhile, the one positive outcome of the discussions that had been taking place between the Irish agents and the English Catholics in Paris was the decision to send a delegate to the Pope with their proposals for a settlement between Charles and the Confederacy. Either by accident or design, Henrietta Maria appointed the same delegate to plead for aid for the

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<sup>1</sup> May 12, *ibid.*, pp. 303-4.

<sup>2</sup> At about this time Henrietta Maria sent Fr. George Leyburn to Ireland with instructions to further a settlement between Ormond and the Irish; cf. her letter to Clanrickard, conveyed by Leyburn, B.M., Add. MS., 42,063, p. 117. Later on Leyburn played a major part in Anglo-Irish relations; see below Chapter XIV.

King,<sup>1</sup> namely the versatile Sir Kenelm Digby, a key figure among the English Catholics resident in Paris and an old intimate of Charles.<sup>2</sup> The curious feature of this mission to Rome is that Digby appears to have carried contradictory instructions. Though both the Queen and the committee wished him to point out that the causes of the King and the Irish stood or fell together, the former directed that all available aid should be destined for the King, the latter for the Irish. Nevertheless, Digby, who shared the romantic temperament of his cousin George, apparently foresaw no difficulty in discharging his duties to the satisfaction of both sets of clients. At the very moment when he set out for Rome, Rinuccini was about to leave it on the first stage of his long journey to Ireland.

Having set his affairs in order and having made a

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<sup>1</sup> It is possible that Henrietta Maria hit upon this plan in order to obstruct the Nuncio's mission to Ireland. If so, it was a boomerang. Later on, when the Nuncio had reached Kilkenny, he was able to delay the declaration of peace for months on the plea that he was expecting news of a peace arranged in Rome between Kenelm Digby and the Pope. See below, p. 445 ff.

<sup>2</sup> Digby had been imprisoned by Parliament but released through the intervention of the Queen Regent of France - who, according to Digby, was in love with him - on condition that he did not engage in any business likely to be prejudicial to the parliamentary interest. H.M.C.R., Portland MSS., p. 126; see also L.J., VI, p. 153, p. 163, p. 206. Evidently he did not treat this pledge very seriously.



slow <sup>progress</sup> ~~pilgrimage~~ through France, paying his respects to notabilities along the way, Rinuccini arrived in Paris on May 22, 1645; he was to stay there for over two months. He seems to have believed that a peace might be concluded between the King and the Confederates through the medium of Henrietta Maria and himself, although malicious writers have insinuated that his delay was dictated solely by a mercenary design to replace the Nuncio in France.<sup>1</sup> He hoped also to improve the unhappy relations that existed between France and the Pope in the hope that France would lend her moral and material support to his embassy. A careful reading of his reports from Paris to Rome suggests that he was by no means anxious to depart for Ireland but, in fairness, it should be said that he genuinely believed that the key to success lay in Paris, and that he was encouraged in this belief by the promise of a settlement dangled before him by Henrietta Maria.<sup>2</sup> Mazarin also contrived to postpone his departure, perhaps at the Queen's request but more probably because he feared that Rinuccini would govern

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<sup>1</sup> Cf. Gilbert (Bellings), IV, p. 51.

<sup>2</sup> Any lack of enthusiasm for going to Ireland on Rinuccini's part seems to have developed in late July or August. Before this time he had on several occasions reported to the Secretary of State his haste to depart for Ireland.

Ireland in the Spanish interest. His method was to offer to supply money on condition that peace had previously been arranged with the King. As it turned out, however, Rinuccini's stay in Paris was to prove a waste of time.

His first intention was to present the Pope's brief and Cardinal Pamphilio's letter to the Queen. Accordingly, he requested an interview as soon as possible. The Queen refused to grant one on the grounds that it would give rise to the suspicion that she and her husband had made a treaty with the Pope, and that Rinuccini had been sent to her, acting in the King's name, rather than to the Catholic Confederacy.<sup>1</sup> Moreover, she feared that the charge of conspiring with the Pope would be put into circulation by Parliament with the intention of attaching some of the King's Protestant supporters to their own side. Nonetheless, she was careful not to repel Rinuccini's advances altogether - for two reasons: she wanted to keep him in Paris; and she did not want him to become inimical to the King's cause - detaining him in Paris must have seemed partic-

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<sup>1</sup> Birch, p. 36; it is interesting to note that in the course of a second visit to Rome in 1648 Kenelm Digby blamed Rinuccini for the refusal to meet ! Hynes, p. 23.

ularly necessary because at about this time she sent Colonel Fitzwilliam to Charles with his propositions for obtaining Irish troops. Accordingly, she judged it best to invite him to pay her an informal visit. Rinuccini, very conscious of the solemnity of his embassy, refused to accept this proposal, and wrote to Pamphilio for advice. Pamphilio's reply was important as a clear, categorical statement of the papal position; it was dated 17 July:

"That the Pope's orders to the Nuncio were, that by the intervention of the Queen's confessor, or some other person, whom he should think more proper, he should inform her Majesty that the only design of his Holiness in sending him to Paris before he went to Ireland, was that he should show his regard for her Majesty as sovereign of that Island, and receive such orders from her, as she should judge necessary for the promotion of the Catholic religion in Ireland. That His Holiness was influenced in this affair by no political motive, and that if the Queen thought it would be any prejudice to the interest of the King her husband, or in any other respect inconvenient, to admit the Nuncio to a public or private audience, his Holiness had not the least intention to expose them to such an inconvenience. Upon the whole, his Holiness left it to the discretion of the Nuncio, whether he would accept of a private audience ..."<sup>1</sup>

Meanwhile Henrietta Maria had sent her Confessor to Rinuccini in order to apologise again for her inability to countenance a solemn visit, to repeat the reasons for it, and to add the novel argument that the law ~~of~~

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<sup>1</sup> Embassy, pp. 563-4.



of England did not permit the reception of the representatives of foreign powers without the prior approbation of the King and Council. Though encouraged by this overture Rinuccini nevertheless deemed it wise to show his displeasure at not being granted a formal invitation.<sup>1</sup>

Shortly afterwards a new development took place. According to Rinuccini's own report Jermyn came to Paris from St. Germain, the residence of the Queen, with a request that Mazarin should exert his authority to bring about a peace between the King and the Irish, the King having empowered his wife to act as his agent.<sup>2</sup> What seems to have happened was that the Queen, having received news of the calamity at Naseby, had determined to negotiate a treaty with the Irish agents in Paris, invoking the King's letter of March 5th as her authority for doing so. Up to this point, she may have been cool to the 'rebels', as she had sometimes described them, but it was now plain to her that they were the King's only remaining hope of assistance.<sup>3</sup> She hoped that Mazarin

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<sup>1</sup> Ibid., pp. 27-9.

<sup>2</sup> Ibid., pp. 35-6.

<sup>3</sup> It was also beginning to dawn on her that in the absence of an Irish peace Catholic princes would prefer to help the Irish rather than the King. Cf. Jermyn to Digby, Birch, p. 54; Husband, p. 852.

would act as the intermediary, realised that Rinuccini would have to be drawn in, and intended that the Queen Regent, on behalf of France, should be the guarantor of any agreement reached. Some historians have regarded the plan simply as a device for retaining Rinuccini in Paris and persuading him to devote the moneys at his disposal directly to the King's needs. Doubtless this thought was present in the Queen's mind but it was probably an incidental consideration; the Irish agents discerned no guile in her proposal and welcomed it with alacrity;<sup>1</sup> in any case, why should not the Queen have regarded it as logical to conclude a treaty with the Irish in Paris? She herself had more right than any other person to act for the King, the Irish agents were on the spot, the Papal Nuncio could attend meetings in person, the French could play the part of the honest broker, and, best of all, it would put an end to Rinuccini's mission, since he could scarcely go to Ireland once the Lord Lieutenant's authority had been restored.

On being approached Mazarin, with typical caution, referred the matter to O'Hartegan and Bellings<sup>2</sup> asking

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<sup>1</sup> If the Queen herself is to be believed, they had in fact made her many offers even before December, 1644. Cf. Greene, p. 269.

<sup>2</sup> Bellings arrived in Paris on May 25 and it was arranged that he should journey back to Ireland with Rinuccini, Embassy, p. 10; the author of the Aphorismical Discovery (p. 79) made the dubious allegation that Bellings obtained £30,000 from the Pope which he gave to the Queen.

them to draw up a list of their demands. In turn they consulted Rinuccini who tendered some excellent advice on the art of drafting documents; the conditions should be restricted to as few headings as possible lest their very length might make them appear exorbitant, and the number of clauses should be reduced to a minimum lest prolixity should lead also to obscurity. Had Rinuccini already grasped the simple truth that the differences between the King and the Confederacy were few but fundamental, and that up to that time the truth had been buried under a mass of minutiae? At any rate O'Hartegan and Richard Bellings, who, Rinuccini observed, were most anxious to make peace with the King and to use their combined forces against the common enemy, expressed their willingness to participate in a conference with Jermyn and emphasised their unalterable loyalty to the Crown, always saving the security of their religion. Rinuccini feared that the whole transaction might be a fresh artifice for delaying his departure.<sup>1</sup>

O'Hartegan prepared the peace proposals, of which the main points were: retention of the churches and church lands; repeal of the penal laws; freedom from the jurisdiction of the Protestant church; an independent

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<sup>1</sup> Embassy, p. 36.



Irish Parliament; places for Catholics in the government of the country.<sup>1</sup> These terms struck the Queen as excessive, though they must have been much as she expected, and she asked the Nuncio to intercede with the Agents to abate their demands and not to leave Paris before a treaty had been concluded.

She conveyed her requests through Sir Dudley Wyatt, a man of some standing at court who had been ordered by the King to join the Queen shortly after the battle of Naseby on June 14,<sup>2</sup> and who frequently acted as a royal messenger. Wyatt visited Rinuccini on 3 August. He began courteously as well as shrewdly by assuring him of the high esteem in which the Queen held him, and went on to say how much she relied upon him to effect an early peace between the King and the Irish. Though making no effort to disguise the gravity of the King's situation, he pointedly stressed the fate that awaited the Confederacy if the King should be destroyed, and the wisdom of mutual assistance. Out of self-interest the Irish should modify their demands and agree to terms. In the course of his argument Wyatt made the significant observation

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<sup>1</sup> Hynes, n., pp. 24-5.

<sup>2</sup> Wyatt reported his arrival in Paris to Digby in a letter dated July 12th, C. S. P. Dom., 1645-7, pp 17-18.

that for the time being, at least, the Confederates should not attempt "to extort the whole at once", presumably seeking to imply that the King dare not accede to all their demands for the sake of present expediency but would be willing to do so once restored to power with their help. Finally he said that the Queen desired that Rinuccini should remain in Paris until the business had been concluded, since she believed that his influence would be decisive in getting the Pope to take a favourable view of the negotiations. To all this Rinuccini replied that he saw little difficulty in arranging a durable peace provided that the security of religion was first assured. Yet he had been impressed as we gather from his report of the interview to Pamphilio, in which he remarked how great the honour to his office would be and how much it would facilitate his mission, if the principal points of a satisfactory peace had been settled before he quitted France. He ended with a reference to his own view of the purpose of his mission; if he went to Ireland with the peace settled and if the King and the Confederacy were to make common cause, then he would be able to devote his whole attention to the restoration of the church.<sup>1</sup>

A few days after seeing Wyatt, Rinuccini sent Domenico

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<sup>1</sup> Embassy, pp. 46-8.

Spinola, his chosen go-between, to the Queen with assurances of the Pope's and his own zeal in her service. Having expressed her satisfaction at this demonstration, the Queen proceeded to complain about O'Hartegan and Bellings for insisting on intolerable conditions and threatening to fight to the last drop of blood if their terms were not met; they had no intention of making peace unless compelled to it.<sup>1</sup> However, she trusted Rinuccini to persuade the Confederates to be more compliant, and repeated her wish to see him in private, explaining that she appreciated the reasons for his unwillingness to pay his respects except in full solemnity. On the following day she sent Wyatt again to inform him that she would write to the King to request that she be given complete powers to negotiate a peace. Receiving further instructions as to the attitude he should adopt, Rinuccini in his turn again sent Spinola to the Queen to let her know of the Pope's concern that she should not suffer the least inconvenience as a result of granting

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<sup>1</sup> Both the Queen and the King had already conceived the impression that O'Hartegan was not to be trusted. Thus, the Queen had written: "As to the Irish agent, that is here, he is a Knave." (Greene, p. 299). The King similarly described him [*The King's Cabinet Opened*, p. 5]. What had happened was that O'Hartegan's optimistic report on the Queen's attitude to the Confederacy and his hopes of seeing Ireland ruled as a Catholic country (see above p. 332, n. 5) had been intercepted and published by Parliament, much to Charles' embarrassment.



an interview to his Nuncio. During the same visit Spinola delivered to the Queen the Pope's brief together with the letter from Pamphilio.<sup>1</sup>

At about this time Rinuccini received from Rome the memorial that had been submitted to the Pope by Kenelm Digby on behalf of the English Catholics with a request for his comments. In this they tabulated their grievances and expressed the hope that any Irish peace would contain conditions to the benefit of Catholics in England as well as insuring the total security of religion in Ireland and making provision for an Irish expedition to assist the King's cause in England. They envisaged a conjunction of the forces of the Irish and English Catholics and specified the conditions under which this operation should be effectual;<sup>2</sup> these conditions were as follows:

1. That the Irish do not come to England with less than ten or twelve thousand men; that they may subsist of themselves without any fear of being cut off even by those English Protestants, who serve under his Majesty.

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<sup>1</sup> Embassy, pp. 49-52.

<sup>2</sup> This was an unrealistic project. Many English Catholics had fled to Paris and Flanders; others were in the hands of Parliament; while those who remained free in England were scattered throughout the King's regiments and would find it difficult to leave their posts. Probably it was merely hoped that the Catholic gentlemen would assemble in some such predominantly Catholic area as South Wales. It was in that region that Glamorgan counted on obtaining support for his Irish expeditionary force.

2. That two sea-port garrisons be delivered up to them.
3. That the General and all the officers be named by the Irish.
4. That the General be subject only to the immediate orders of the King.
5. That this army be kept together in a body, and not obliged to go upon any particular service, except by order from the General and council of war.
6. That the English Catholics, by the King's command and authority, have a power of meeting in a body, and with a corps of horse, answerable to the Irish foot, forming one army.
7. That the Catholic General of this body of English horse be such a man, as shall not be distrusted by the Irish, but approved of by the Irish General.

As to the question of the peace between the King and the Irish, they emphasised the importance of leaving out no detail which would imperil the security of their religion in Ireland, but asseverated that no demand should be made involving a change in the political government as this would impel the King to agree with Parliament rather than the Irish to the ruin of the Catholics alike in England and Ireland. The peace might be the more easily procured if the Queen were to use her influence with the King to promote the negotiations. Here the Pope might exercise weighty influence by admonishing the Queen as to her duty and by making any material assistance

he might be willing to offer ~~a~~ contingent upon the King surrendering to the demands of the Irish Catholics beforehand. They explained the need for such caution with a slighting comment on the King's integrity who,

"was not to be trusted, when once his interest might tempt him to agree with his Parliament, to whom he had often solemnly declared his resolution to consent to any severities against the Catholics: and his word was not to be relied on, as appeared from the case of the Earl of Strafford and the Bishops, whom he sacrificed, after he had sworn to protect them."

If the Pope should decide to aid the King, then His Majesty should be first obliged to agree:

1. That all the penal laws against the Catholics in Ireland be abrogated.
2. That the oath of allegiance be abolished.
3. That the Catholics be as capable of any honours, posts, offices etc., in the Kingdom and Parliament, as any other subjects.
4. That the King <sup>should</sup> not agree with the Parliament, unless the latter should ratify the articles above-mentioned.
5. That to confirm these articles, all the strong places in Ireland be put in the hands of the English and Irish Catholics.

Should the first three of these demands be conceded it would be reasonable to look forward within a few years to the reconversion of the whole Kingdom, and this might well be the prelude to the absolute extirpation of heresy in ~~the~~ Northern Europe.<sup>1</sup>

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<sup>1</sup> Com. Rin., I, pp. 664-70.



In promoting the case of the English Catholics Kenelm Digby by no means neglected the Queen's business: indeed, he seems to have been personally of the opinion that the interests of the Crown and of the Catholics might be made to coincide though only by neglecting some of the salient provisos contained in the above memorial, especially with regard to the necessity for securing the absolute supremacy of the Catholic Church in Ireland as the vital preliminary step. For he proposed that the Pope could best contribute to the revival of the faith in England by granting all subsidies to the King and the united English Catholics, and made great play of the alleged interest of the royal pair in propagating the faith in England. He emphasised that whereas the structure of the pre-Reformation Church remained substantially intact, it would be dismantled irreparably by a victorious English Parliament. Thus, far from encouraging heresy by supporting Charles, the Pope would be in fact preserving the true faith. The Catholic cause in Ireland and the cause of the monarchy in England were complementary. When the Irish had expelled the Scots and the Parliamentary forces from Ireland, they would fall upon the English rebels and restore the King to his rightful place. Then, Digby insinuated, England would be restored to the true faith and the counter-reformation

would sweep irresistibly across the rest of Protestant Europe. All that threatened the realization of this dramatic Catholic recovery was the temporary poverty of Charles I - who had been reduced to this plight just because he had shown clemency to Roman Catholics. In the light of these facts he pleaded for a grant of money to the Church.<sup>1</sup>

Digby's statement on the King's behalf was based manifestly on fancy rather than fact, and there is little point in examining it seriously since the Curia correctly appraised its worth. But his mission to Rome is not therefore to be taken lightly. It affords yet one more illustration of the King's slackness, not to say dishonesty, in allowing delegates of questionable integrity and palpable irresponsibility to negotiate in his name. It is true that it was Henrietta Maria who actually instructed Digby to go to Rome, but Digby was in Rome for almost a year during which time Charles had frequent reports about his progress from Saint Germain. In any case, Digby was to return to Rome on a second mission in 1648 with Charles' blessing.

It is difficult to see why those who dispute Glamorgan's sincerity fail to take these embassies of Digby into account. By any scale of reckoning, loyalty and

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<sup>1</sup> P.R.O., Roman Transcripts, B.L. 8616, ff 115-22.

personal integrity, Digby must be placed below Glamorgan. If Charles could use Digby in this way, then why should he not also use Glamorgan ~~also~~ ?

Pamphilio, who had not been impressed by Digby's rhetoric,<sup>1</sup> although Digby had believed him to be,<sup>2</sup> was very doubtful whether the Church in Ireland would benefit from granting the Queen the aid she sought. Nevertheless, the Pope was not willing to cold-shoulder the Queen altogether and when Digby's entreaties became more

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<sup>1</sup> It was probably with the worldly attitude of such men as Kenelm Digby in mind that the Pope had warned the Nuncio to be on his guard against many of the Catholics at Court; for their zeal for their faith was not so strong as to enable them to hear with pleasure news of the Catholic successes in Ireland, because they liked to regard Ireland as a chattel of the English government and the Irish as an inferior race. Embassy, I ii.

<sup>2</sup> To judge from the following letter from Jermyn to Digby, May 30/June 9, 1645:

"Sir Kenelm Digby is arrived at Rome, and has had audience with the Pope, who has given him the best reception that the first visit was capable of, that is, the fairest promises in general that can be wished; if he may be relied on there are good hopes of money there, but you know he is of a sanguine family, and himself yet the melancholiest of it; he has visited some other of the petty princes of Italy's but they are a frugal generation."

Husband, p. 851.



ardent after the news of Naseby had arrived, he decided to make a grant of 15,000 Crowns to the Queen,<sup>1</sup> as a token of his good will. Aware that even this limited generosity might cause alarm and offence to the Confederacy he instructed Rinuccini to assure them that it signified no falling-off in his enthusiasm for their cause, but rather was intended to benefit them by pre-disposing the Queen in their favour.<sup>2</sup>

Rinuccini's commentary on Kenelm Digby's several representations to the Pope was on the whole adverse. He deplored the parcelling out of Papal subsidies in the belief that the King's allocation would be too trifling to be of any use, and, in any event, would be uselessly squandered by the bad management of the King's Protestant advisers. He likewise condemned the proposal to put the cause of the English Catholics first, advert-  
ting on the foolishness of expecting anything from the King so long as he was surrounded by Protestants and reiterating that the English Catholics in Paris acknowledged that their well-being depended entirely upon the assistance to be expected from the Irish when that

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<sup>1</sup> The grant actually given was 20,000 Crowns, Embassy, p. 560.

<sup>2</sup> Ibid., pp. 559-60.

island should be at peace.<sup>1</sup> For these and other reasons it was unwise to place any trust in the good intentions of the King and the Queen since even if they were genuine, they would avail nothing in the juncture of affairs that had been reached. And Rinuccini himself could detect no real concern for the Catholics in the King's behaviour, nor, for that matter, in the behaviour of the Queen. Indeed it had to be reported that the Queen had spoken harshly of the Irish, stigmatising them as rebels and stating that she refused to receive the Nuncio, because he was bound for the kingdom of rebellious subjects. In short, Rinuccini tartly concluded, before His Holiness thought of giving subsidies to the King would it not be better to await some concrete manifestations of his solicitude for Roman Catholicism ?<sup>2</sup>

Rinuccini's observations apparently confirmed the Pope and Pamphilio in the suspicion which they entertained as to the sincerity of Digby, and they decided to be more cautious in the answers they would give him.<sup>3</sup>

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<sup>1</sup> According to Rinuccini, the English Catholics in Paris disapproved of Digby's conduct as their representative in Rome and believed that he was furthering his private interests rather than the Queen's or their cause. Embassy, p. 38.

<sup>2</sup> *Ibid.*, pp. 38-41.

<sup>3</sup> *Ibid.*, p. 565.

They also referred unkindly to the treaty planned by the Queen between the King and the Irish, saying that they 'knew it must soon vanish in air, even if it did not cover ... some artful design or other.' In general, they were coldly realistic about the prospects of the King ever concluding any settlement, seeing that he and the Queen listened to the counsel of their Protestant advisers. As for the negotiations through Mazarin, whose regard for his religion was so low that he would do little to promote it, these were futile.<sup>1</sup> Altogether the impression emerges that the sympathy of the Pope for the Royal cause, never warm from the outset, steadily evaporated during the months of June and July as he perceived more and more indications that they had no really firm intention of assisting the Catholic religion. By the beginning of August he had come to the conclusion that Rinuccini was wasting his time in Paris and that he must proceed without delay to Ireland. Moreover, it is probable that Scarampi's reports from Ireland were loud with alarms of peace being made by the Ormondists before the Nuncio could arrive. Accordingly he sent him several letters in the course of August in which he made it plain that the Catholic cause had only suffered harm

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<sup>1</sup> Ibid., pp. 565-6.



from the negotiations in Paris and in which he peremptorily ordered Rinuccini to go to Ireland at once, by way of Flanders if necessary, should Mazarin be unwilling to supply a ship.<sup>1</sup>

Stung by the Pope's reproof and at last aware of Henrietta Maria's real motives, Rinuccini decided that the Irish peace could only be settled in Ireland. And so, he left Paris and went to La Rochelle to find a ship. There he was met by an agent of the Supreme Council, Geoffrey Barton, on his way to Paris, who informed him that nothing had been done about concluding a treaty and that everyone was impatiently awaiting his arrival. Barton gave him a letter from Glamorgan in which Glamorgan, too, expressed impatience for the Nuncio's arrival and the pleasure he hoped to have in working with him.<sup>2</sup> On the surface, it would appear that both Barton and Glamorgan deliberately refrained from telling Rinuccini about Glamorgan's treaty. Yet, what could they <sup>hope to</sup> gain from such concealment ?

Rinuccini entered Kilkenny amid acclamation on

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<sup>1</sup> Ibid., pp. 565-7; Com. Rin., I, pp. 713-16; cf. also: "The displeasure of His Holiness increases at your Excellency's delay in your departure for Ireland ..." Embassy, p. 569.

<sup>2</sup> Embassy, p. 74.

November 14th, eight days before he reported the return of the Peace Commissioners and Glamorgan from Dublin. His arrival in Ireland marked the beginning of the decisive split between the Anglo-Irish and the Native Irish and the appearance of the party names, Ormondists and Nuncioists.

Meanwhile, Henrietta Maria and her entourage had continued to expect news that an Irish peace had been arranged.<sup>1</sup> Viewed from Paris the obstacles to such a peace assumed trivial weight when balanced against the King's desperate situation. The long delay was attributed to the clumsiness or downright opposition of Ormond. On one occasion Jermyn wrote to Digby:

"... I will not believe it possible there can be so great an error committed, as to leave any way unattempted for the Irish Peace, & more from thence."<sup>2</sup>

It was no doubt for this reason also that Jermyn forcibly recommended that the proposal to treat with the Irish agents in Paris should be adopted. He was confident that a treaty could be arranged there with the co-operation of the Queen Regent and careful to note that Henrietta Maria could be limited by the same

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<sup>1</sup> Their intelligence service seems to have been very poor while wishful thinking was common in the Queen's circle.

<sup>2</sup> Aug. 22, 1645.

restrictions as those placed upon Ormond. "The only thing I fear is, that the King's party in Ireland might possibly not acquiesce in such a peace, as would be fit for the King to make, and then he would have the scandal of it (for it would be a scandalous one, that is unavoidable) without the benefit of an assistance from Ireland."<sup>1</sup>

Digby replied:

"And whereas you write that perhaps my Lord Ormond is not the fit person to conclude that business, but that the management of it should be remitted to the Queen; I am much afraid, that the expectation of that in the Irish hath much retarded the hoped for issue of the peace."

There is no evidence that Digby had any grounds for what he said and it may be that he simply wanted a pretext for keeping the negotiations out of the Queen's hands, especially as he added a note that peace had now been concluded !<sup>2</sup> At any rate Saint Germain was silent for the next few months.

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<sup>1</sup> Jermyn to Digby, August 5, Birch, p. 54; Husband, p. 852.

<sup>2</sup> Aug. 27, 1745, Warburton, III, pp. 157-61.



## Chapter IX

### The Imprisonment and Release of the Earl of Glamorgan, November, 1645 - January, 1646.

Scarampi's criticisms of the Glamorgan Treaty, especially his charge that it was insulting to conclude any agreement before the Papal Nuncio had arrived, disturbed the Supreme Council. Accordingly an explanatory statement was prepared for Rinuccini. Spinola, who had been sent on in advance, evidently considered that Rinuccini might have sailed from France before the statement could reach him and therefore held it back against his arrival at Kilkenny.

The Council had two objects: to show that they were not weakening in their resolve to obtain formal ratification of their religious demands in a free parliament; to urge Rinuccini to join them as soon as possible. Negotiations were proceeding with the Royalists but no agreement had yet been reached. They were in such urgent need of his advice and the stimulus of his actual presence that if he did not come soon their cause would suffer. As an obvious inducement, they reminded him that the large question of the re-establishment

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was awaiting his attention. Finally, he could be sure that, even if peace had been arranged before his arrival, he would find himself in a Catholic country governed by a predominantly Catholic administration - a country in which the Papal representative would command automatic respect and in which the Church freely exercised its rightful authority. Only because it was impracticable were they not insistent upon having an exclusively Catholic government.<sup>1</sup>

Obviously framed by the Ormondists, this statement was skilfully designed to insinuate that, while the Nuncio was very welcome, the conduct of negotiations was already in good hands and should be no concern of his. By slyly associating him with religious matters they also wished to warn him not to meddle in national politics. Their hints were not taken, though Rinuccini's manner towards them was ingratiating.

In a formal address at a ceremonial reception given by the Supreme Council he outlined the purpose of his mission. Remembering the Pope's admonition he named assistance to the King as his primary object and begged them to ignore the slanders of those who put a sinister construction on his appointment. Naturally, he also desired to see them released from the yoke of the penal laws as well as to see the churches

1. Com.Rin., I, pp.728-31.

and church lands restored to their rightful owners.<sup>1</sup>

On the whole his speech was well received. Bellings recorded that his observations on allegiance to the Crown came in for special applause.<sup>2</sup> His anxiety to see the penal laws <sup>abrogated</sup> was also unexceptional. But his reference to ecclesiastical property must have fallen harshly on the ears of some members of his audience, not just because they feared for their own interests but also because they had prevision of a threat to the peace negotiations. And, indeed, Rinuccini's private impressions were far from encouraging.<sup>3</sup>

Soon after his arrival at Kilkenny, the last of the Peace Commissioners returned from Dublin to report progress and frankly to recommend as satisfactory the concessions from Ormond which they brought with them. In an attempt to gain his support they submitted a memorandum to Rinuccini explaining why it was essential to conclude the treaty without delay. Ormond had consented to the removal of penalties affecting the free practice of their religion as well as to the reduction of the privileges of the Protestant clergy. Several other important concessions had also been

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1. Com.Rin., I, pp.728-31.

2. Gilbert (Bellings), IV,p.7.

3.Cf.Plunket-Dunne MS.,p.780: "...but in a few days managed by the factious party and finding the Assembly inclined to peace, he called one of the bishops to him, and told him he heard the Council was going to conclude a peace with Ormond, but if they do, says he, I'll depart from them immediately and bring with me all the bishops of the nation. Happy, had he then gone."



obtained: the laws of inheritance were to be altered in their favour; upon taking a new oath of allegiance to be devised by the King Catholics would become eligible for state appointments; they would be allowed<sup>w</sup> to establish at least one Catholic university; lastly, there would be an act of oblivion. Alive to the particular worry of the clergy they reminded Rinuccini of the General Assembly's resolution never to surrender the church property in the Confederacy's possession. As to the further protection of religious interests they referred to the conditions of the Glamorgan Treaty. With a view to forestalling criticism of the secrecy of that treaty they pointed out how damaging to the King's cause its premature publication would be. Further to allay his fears for the Church, they commented that Catholics could always feel secure under the government of Ormond who might yet return to the faith of his birth.

This last observation introduced a note of sham into their argument, for no one seriously envisaged Ormond's reconversion. On the other hand, their final remarks came from the heart. Having first contrasted the strength of Parliament with their own material weakness and pointed to the King's desperate plight, they concluded that the only way to save both the King and themselves from certain destruction was to combine the resources of Catholic and Protestant Royalists. What alarmed them above all other fears

was the evident intention of the English Puritans to mass all their strength against Ireland once they had destroyed the King.<sup>1</sup>

Unconvinced, Rinuccini attacked these arguments in the Supreme Council.<sup>2</sup> Both treaties, the one to be arranged with Ormond and the one already arranged with Glamorgan, should be published simultaneously. If this were not immediately expedient, then they they should wait for a suitable opportunity. To announce a political settlement, while suppressing the religious treaty - which was, in any case, of dubious value - would dismay the Pope and the Catholic Princes.

Rinuccini also rebutted at length the objections which had been raised to simultaneous publication. It might well be true that news of the Glamorgan concessions would lead some Royalists to desert the King, but such defections would be more than offset by the assistance which they would receive from abroad. He did not share their trust in the fair dealing of Ormond, who carefully limited his concessions so as not to weaken the Protestant supremacy. Thus, there

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1. Com.Rin., II, pp.45-65.

2. Scarampi's report to Rome of the objections he had raised to concluding a treaty with ~~Orme~~ Glamorgan had prompted Pamphili to warn Rinuccini, whose whereabouts were then unknown, not to set sail for Ireland unless he were sure that the treaty had not been signed. Should he have already sailed - as, of course, he had - he was to strive to extract better terms from Glamorgan. If, however, the treaty had been concluded, he was to play a passive part. Pamphili to Rinuccini, Nov.5, Embassy? pp. 570-2.

was no mention of a Catholic succeeding Ormond himself and no provision for the bishops to sit in Parliament. Their university would be controlled in practice by Protestants. In leaving the real power with Ormond they would be vainly throwing away their advantages.

These were strong words. Even so, Rinuccini privately believed that they had had little or no effect.<sup>1</sup>

In reply, the Council fell back for the most part upon their previous arguments. They did add, however, that a special article in the political treaty would allow for further concessions to be made by the King at an appropriate time. Rinuccini, they suggested, underestimated the strength of the Protestants. And once again they asserted that only union with Ormond could preserve the Crown and hence the Irish Catholics from destruction.<sup>2</sup>

Still unimpressed, Rinuccini reported his assessment<sup>3</sup> of the situation to Rome. As he saw it, many people were content with Glamorgan's concessions and desired peace. Others, including most of the clergy, were inclined to war. Even this second group did not object, however, to giving assistance to the King "without concluding peace or even insisting on conditions from him." But as to the eventual

1. Com.Rin., II, pp.72-8.

2. Ibid., pp. 79-84.

3. With the help of Scarampi who had been ordered to remain in Ireland as his informant. Pamphili to Scarampi, Sep.4, 1645, P.R.O.E., Trans. Archiv. Vat., Inghil.,8.



outcome of the debate uncertainty prevailed.

It is significant that Rinuccini did not apparently regard the Glamorgan Treaty as binding but referred to it as though it were an informal rather than a formal agreement.<sup>1</sup> If this were the general attitude at Kilkenny, it goes far towards explaining why there had been no attempt to fit out the expeditionary force called for by the terms of the treaty.

Rinuccini's appearance at Kilkenny undoubtedly interfered with Glamorgan's plans. It had been difficult enough trying to persuade the Ormondists to agree to the public treaty. Now he was faced with the additional burden of having to convince the Nuncio that his very commission to make religious concessions was valid. He also discovered that it would be necessary to obtain Rinuccini's approval before troops could be sent to England.

In practice, the price of Rinuccini's support turned out to be doing whatever Rinuccini wanted done. So desperate was Glamorgan, however, to obtain the troops for England that he did not seem to notice this fact.

Within a few days of Glamorgan's return from Dublin<sup>2</sup> a meeting took place at which Glamorgan pledged himself to co-operate with the Nuncio and to do nothing without his consent. For his part, the Nuncio expressed warm sympathy for the royalist cause and assured Glamorgan that he had been

1. Embassy, pp.93-5.

2. November 22nd.

sent to Ireland not only in order to re-establish the Church but also to use Ireland as a vehicle for the restoration of Charles I.<sup>1</sup>

Sanguine as always, Glamorgan assumed that he had made a conquest of the Nuncio and wrote in this vein to Ormond.<sup>2</sup> The latter, disconcerted by the Nuncio's arrival, had inquired how it was likely to affect him.<sup>3</sup>

On December 23rd Rinuccini submitted his first comprehensive report to Rome. He divided the articles for peace into kinds: those concerning the political government of the country which were being discussed with Ormond; secondly, the ecclesiastical articles contained in Glamorgan's treaty. These concessions of Glamorgan he described as 'really good' and as authorised by two ample but secret powers. The Supreme Council was most anxious to publish the Ormond articles, which he believed to have been agreed already, but desired to keep the Glamorgan Treaty secret. It had not yet occurred to him apparently that having secured possession of the church lands recovered since 1641 under the terms of the Glamorgan Treaty, the lay members of the Supreme Council could not see why they

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1. *Com.Rin.*, II, pp.88-9.

2. *T.C.P.*, XVI, p.182.

3. *Ibid.*, p.75.

should not sign an agreement with Ormond.

Like Scarampi, Rinuccini was dissatisfied with Glamorgan's treaty. His concessions did not afford sufficient security for the re-established Church and in any case depended too much on Glamorgan's ability to insure their application. He insisted to Glamorgan, therefore, that further safeguards were required: the next Lord Lieutenant must be a Catholic; Catholic bishops must be allowed to sit in Parliament; the Catholic university which it was planned to establish must be self-governing; the Supreme Council must not be dissolved until the King had formally ratified the religious concessions which he had made. The two vital points - the question of Ormond's successor and the right of Catholic bishops to seats in Parliament - had been omitted during the discussions with Glamorgan<sup>1</sup> which had taken place in Dublin, whereas political matters had been given every attention. Rinuccini concluded his report:

" I have induced the Earl of Glamorgan to promise me all the conditions which your Eminence will see in the enclosed papers signed by him."<sup>2</sup>

The ease with which Glamorgan succumbed to Rinuccini's influence has been adduced as evidence both of his weakness

1. This must have been a verbal slip - 'Glamorgan' for 'Ormond'.
2. Embassy, pp.94-100; Glamorgan's Engagement, Com.Rin., II, pp. 88-9.



of character and the improbability of his credentials. There are also other explanations of his behaviour. To begin with, it was instantly clear that Rinuccini would wreck his treaty if he could not be reassured about the future of the Church. He happened to know that the King himself wished to appear friendly to the Nuncio.<sup>1</sup> It was also now vital for the relief of Chester that a small force be despatched without delay. Finally, he believed that Rinuccini was prepared to withdraw his opposition to a political settlement with Ormond and to lend his support to the relief of Chester only on condition that the position of the Church was made more secure.

Glamorgan's overriding concern to obtain Rinuccini's consent to the public treaty and relief for Chester was revealed in the letters written to Ormond after his return to Kilkenny. Even the Supreme Council apparently relied upon him to soften the opposition of the Nuncio.<sup>2</sup> On November 28th, he wrote:

"before sunday night I am morally certain a total assent from the Nuntio shall be declared to the propositions for peace." <sup>3</sup>

Later on, he spoke of being engaged in preparing a force of 3,000 men for Chester.<sup>4</sup> And on December he stated:

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1. See below pp. 420-1

2. C.T.P.C.P., XVI, p.237. He has undertaken to the Council to obtain the Nuncio's consent to the public treaty.

3. Nov.28, *ibid.*, p.182.

4. *Ibid.*, p.236.

"30,000 (sic) foote and 500 horse will be ready any time after January 1st!"

These and other letters written to Ormond at about this time also leave little room for doubt that, as far as Ormond was concerned, Glamorgan was assisting his own efforts to arrange a treaty by exerting his influence at Kilkenny; nothing more. For his part, Glamorgan obviously had something to hide. Always diffuse, his style now became so absurdly involved that he could not have been writing with a clear conscience. Since it would be pointless to examine all his letters in detail, the following extract <sup>may serve</sup> ~~is printed~~ as a characteristic example:

"Kilkenny December 12th,

... The pains and industrie used to bring that pass which your Lordship will understand by my cosin (Daniel O'Neill) and Mr. Welsh, is not by me to be related who have had the honour therein to have my share, and perhaps more than was fit for me to discover even to those I trusted unto most; but for your Excellency's better information, when I have the honour to wayt on you, nothing of consequence shall be concealed, and as freely, in order to his Majestie's service in England, I am confident you will be pleased to deal with me, who am so much yours. I expect orders out of this day for the gathering together of three thousand good men from their winter quarters in expectation of your resolution in the main, which after you have taken and privately signified as you think best, yet in the execution thereof it may be I may serve you, which shall be always my endeavour making no question but your Lordship will be cautious that, under the power you have over me, others be not sheltered, unawares of your Excellency, to prejudice me and the King's service, which is all unto, and forewarned by having had it often wounded through my sides, my desire and intention of wayting upon your Excellency, my cosin O'Neale can tell, whom not to stay longer..."

Rinuccini's next report to Rome, dated December 27th, described an important meeting that had taken place exactly one week previously, at which Glamorgan had shown him two secret commissions from the King empowering him to conclude a peace with the Irish on whatever terms he thought advisable. Glamorgan had also produced a letter, the contents of which he had not allowed Rinuccini to examine, but which was addressed to the Pope in the following manner:

"Beatissimi Patri Innocentis Decimo."

The Nuncio's report then stated that Glamorgan had next produced a letter addressed to Rinuccini himself, dated April 30th,<sup>1</sup> and "sealed with a small superscription in French". The letter, written in French, had been transcribed by Rinuccini and ran as follows:

"Sir,  
Hearing of your resolution for Ireland, we do not doubt, but that things will go well; and that the good intentions begun by means of the last Pope will be accomplished by the present, by your means, in our kingdom of Ireland and England, your joining with our dear cousin the Earl of Glamorgan, with whom whatever you shall resolve, we shall think ourselves obliged to, and perform it at his return. His great merits oblige us to this confidence, which we repose in him above all, having known him above twenty years; during which time he has always signally advanc'd himself in our good esteem, and by all kind of means carried the prize above all our subjects. This being join'd to the consideration of his blood, you may well judge of the passion, which we have particularly for him, and that nothing shall be wanting on our part, to

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1. If the letter was forged, its date was, as usual, well chosen. Rinuccini was appointed in March. Charles would probably hear of the appointment some time in April.



perfect what he shall oblige himself to in our name, in consideration of the favours received by your means. Confide therefore in him; but in the mean while, according to the directions, which we have given him, how important it is, that the affair should be kept secret, there is no occasion to persuade you, nor to recommend it to you, since you see, that the necessity of the thing itself requires it. This is the first letter, which we have ever wrote immediately to any minister of State of the Pope, hoping, that it will not be the last; but that after the said Earl and you shall have concerted your measures we shall openly show ourself as we have assured him,

Your Friend,

Charles R.

From our Court at Oxford, 30th April 1645."<sup>1</sup>

Two comments upon this incident are called for.

First, if genuine, the letter of April 30 was written at the very time when Charles and Henrietta Maria, supposedly shocked by the news of Rinuccini's appointment, were planning to keep him out of Ireland.<sup>2</sup> The explanation of this could be that Charles at least, had not really been dismayed; in any case, it was sound insurance to placate the Nuncio if he should get to Ireland after all.

Secondly, Rinuccini was mystified for three reasons:

- (i) Why in the month of April, when he was not faring too badly, should the King have wanted peace so desperately with the Confederates?
- (ii) Why should he have given such large powers to Glamorgan?
- (iii) Why had the letter to the Pope not been sent?<sup>3</sup>

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1. Embassy, pp.103-5; Birch, pp.130-1; I have used Birch's translation from the French.

2. See above pp.374-5.

3. Embassy, pp.103-5.

The first two of these questions have been considered elsewhere. Lingard in his History of England had this to say about the third:

"The King, on his return to Oxford, after the disastrous campaign of 1645, still placed his principal reliance on the mission of Glamorgan and to induce the Court of Rome to listen to the proposals of that envoy wrote with his own hand, the two following letters, of which the originals still exist in the Archivio Vaticano, one to the Pope himself, the other to Cardinal Spada, requesting of both to give credit to Glamorgan or his messenger, and engaging the royal word to fulfil whatever should be agreed upon by Glamorgan, in the name of his sovereign".<sup>1</sup>

And it is indeed a fact that the letter to the Pope is still to be found in the Vatican archives. It promised to fulfil whatever arrangements Glamorgan should make in the King's name and was accompanied by a letter addressed to Cardinal Spada. The two letters are printed below:

Beatissime Pater,

Tot tantaque testimonia fidelitatis et affectus consanguinei nostri Comitatus Glamorganiae iandudum accepimus, camquo in illo fiduciam, uerito reponimus, ut Sanctitas Vestra ei fidem merito praeberere possit, in quacunque re, de qua vei per se, vel per alium nostro nomino cum Sancta Vestra tractaturus sit. Quaecunque vero ab ipso certo statuta fuerint, ea munire et confirmare pollicemur. In cuius rei testimonium brevissimas has scripsimus manu et sigillo nostro munitas, qui nihil magis habemus in votis, quam ut favore vestro in cum statum redigamur, quo palam profiteamur nos,

Sanctitatie Vestrae

Numillimum et obedientissimum

Apud Curiam nostram

servum

Oxoniae Octob: 20.1645.

Charles R.

(size, 17 x 10.7 cm.)

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1. VIII, app., pp.627-8.

Eminentissime Domine. Pauca scripsimus mo Patri  
de fide adhibenda consanguineo nostro Comiti  
Glamorganiae, vei quilibet ab eo delegato; quam ut  
Emin<sup>a</sup> Va pariter omni favore prosequatur, rogamus;  
certoque credat now ratum habituros, quisquid a  
raedicto Comite, vel suo Delegato cum Sanct<sup>mo</sup> Patro,  
vel Eminentia Vestra transactum fuerit.

Emin<sup>ae</sup> vae

Fidelissimus Amicus

Charles R.<sup>1</sup>

Apud Curiam  
nostram Oxoniae  
Octob: 20.1645.

(size, 9.5 x 8.5 cm. with the seals intact)

Glamorgan must have taken the step of producing the King's alleged letters to Rinuccini and the Pope at this time in an attempt to soften Rinuccini's opposition to his Treaty. Throughout his time in Ireland he regarded Rinuccini as the most influential man at Kilkenny, not only because his opposition held up the passage of troops to England, but also because his prestige with the continental princes and the Pope, who were expected to furnish supplies, was judged to be much greater than if fact it was.

Were the letters forged? It is impossible to say. The date, October 20th, was appropriate, since, at this time, Charles was still relying on the Irish.<sup>2</sup> Moreover, if the King had sent the letters to Glamorgan to be forwarded to Rome, as he would have to do, by whom else dare he forward them? Glamorgan would have received them probably in about

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1. Ibid; the two letters are printed therein; similarly &. Albion, app., p.423; the originals bear the reference Arch.Vat., Instrumenta Miscellanen, No.6655.

2. See above p.364.



the middle of December. This would also help to solve Rinuccini's problem: why had the letters not, in fact, been sent?<sup>1</sup>

There is, however, one disconcerting fact which tells against Glamorgan. Charles was not in or even near Oxford during the whole month of October and yet this letter to the Pope reads 'Apud Curiam nostram Oxoniae, Octob: 20, 1645.' On the date October 20th he was in fact at Newark - planning, however, on the very evening of that day to make his way to Oxford. The plan fell through and it was not until November 4th or 5th that he actually returned to Oxford.<sup>2</sup> It is of course not inconceivable that he thought it more convenient to despatch a messenger from Newark than from Oxford and that, anticipating his return to Oxford within a few hours, he saw fit to subscribe his letter 'Oxford'. It is also possible that he considered it more dignified to locate himself at Oxford rather than give the impression that he was on the run.

By December 20th, despite frequent and protracted discussions with the Supreme Council, Rinuccini had despaired of obtaining acceptance of his views and decided to take the important step of rallying the Catholic clergy behind him. To this end he summoned the bishops to his

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1. J.H. Round argued that these two letters were forged; see below pp. ~~724~~ 692-3.

2. Cf. Great Rebellion, IV, pp.127-8, p.134, and pp.137-9; cf. also Symonds, p.248, p.268.

residence and prevailed upon them to sign a protest against the treaty contemplated with Ormond and to promise to oppose it with all their strength. It was resolved to produce this protest only when the Council appeared to be on the point of concluding a treaty.<sup>1</sup>

Then on New Year's Eve Rinuccini had startling news to report. Glamorgan had been arrested in Dublin! He accused Ormond and Digby of conspiring to deprive him of his military command and stated that those members of the Council still resident at Kilkenny - apparently the majority had joined their families for Christmas - regarded the arrest as a personal affront and angrily talked of marching against Dublin in order to release him. He himself had been in favour of this action but considered it wise to express his views with caution. However, in the middle of the uproar members of the Ormondist faction had returned from Dublin<sup>2</sup> and soothed the passions aroused. Nevertheless, there was confusion and dismay at Kilkenny, particularly as it was rumoured that Digby had heatedly informed the Peace Commissioners in Dublin that those about Charles would "throw him out of the window" rather

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1. Com. Rin., II, pp.87-8.

2. News of the arrest was apparently brought to Kilkenny by Plunket and Brown who had been visiting Dublin as peace commissioners. T.C.P., XVI, p.243. According to one questionable source (Aphor.Disc., I, p.100) Plunket and two (sic) others managed to slip away from Dublin in order to convey the news to Kilkenny. This was plainly untrue. To which members of the Ormondist faction Rinuccini was referring it is impossible to say. Perhaps, his report was inaccurate.

than consent to religious concessions.<sup>1</sup> Eventually it was decided to convene a General Assembly in order to determine what should be done.<sup>2</sup>

At least one of Rinuccini's statements concerning Glamorgan's arrest was false, for Ormond and Digby had done no more than they believed to be their duty. The occasion and circumstance of the arrest were dramatic, exemplifying the complex character of the war in Ireland, and the difficulty in preserving any political secret for long. Copies of the Glamorgan Treaty had been circulated among the leading ecclesiastics, among whom was Malachy O'Queely, Archbishop of Tuam and Confederate President of Connaught.<sup>3</sup> On returning to his diocese soon afterwards, O'Queely and his party collided with a force of Scottish troops outside Sligo and he lost his life in the ensuing skirmish. His captured baggage contained, among other inflammatory documents relating to the Supreme Council's peace negotiations, his copy of the Glamorgan Treaty and this quickly passed through the hands of the parliamentary commissioners in Ulster into the possession of the Parliament in London.<sup>4</sup> It came as a welcome surprise, for it seemed

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1. This rumour, like so many then current, was a travesty of the truth. What Digby had said was that the Council would have taken him personally by the neck and thrown him out of the window had they thought he approved of such articles.

2. Embassy, pp.108-111.

3. Embassy, p.108. The Archbishop of Cashell informed Rinuccini that he had personally drawn up a copy of the Treaty for the Archbishop of Tuam.

4. Husband, p.787; Rushworth, part IV, 1, p.239; L.J., VIII, p.103.



to confirm the suspicion long entertained that the King was engaged in clandestine dealings with the rebel Catholics. Edward Husband, official printer to Parliament, was ordered to print copies. Meanwhile, exactly four months after the signing of the treaty, someone in the North of Ireland had sent a copy to Dublin where it came into the hands of Ormond<sup>1</sup> and Digby<sup>2</sup>, recently arrived from the Isle of Man. Aghast, they decided they had no choice but to confront Glamorgan and charge him with treason. Conveniently, he had just been invited to Dublin.

It appears that Digby, whose coming had been fortuitous, from the time of his arrival, had urged the need for obtaining relief from the King. Ormond, now assuming that the Confederates would find his latest concessions acceptable, had thought it appropriate to ask the Peace Commissioners for particulars of the assistance they were planning to give the King. They had sent John Walsh to answer for them<sup>3</sup> and Glamorgan had seized the opportunity to inform Ormond through Walsh that 3,000 troops were about to be marched to the sea-side enroute for Chester.

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1. According to the Plunket-Dunne MS., p.794, this copy was sent "in order to alien him from any conjunction with the Irish and shew him the King was inclined to Popery". Very successfully!

2. Digby had landed at Carlingford on or before December 7th; cf. N. Loftus to Sir Philip Percivall, Dec.8., Egmont MSS., I, 1; Clanrickard to Leyburn, Dec.7, Add. MS., 42,063, p.

3. Brief given mee by John Welsh Esq<sup>r</sup> the 15 December, 1645, T.C.P., XVI, p.208.

Walsh had been unable ~~to~~ give the precise information required nor could he amplify Glamorgan's message. Digby had then written to the Peace Commissioners, pointing out that timely aid to the King would be the surest means of obtaining concessions and proposing that Plunket and Brown be despatched to Dublin at once with full instructions.<sup>1</sup> At the same time Glamorgan had been also invited to explain his plan for the relief of Chester.<sup>2</sup>

Accompanied by Plunket and Brown, Glamorgan reported at the Castle on Christmas Eve and was cordially greeted by Ormond. Shortly afterwards, however, he was placed under close arrest and on December 26th he was summoned before the Council and charged with treason by Digby.

In his defence, Glamorgan stated that he had done nothing without Ormond's knowledge. This was coolly denied by Ormond who asked:

"can his Lordship produce any writing under my hand which in prudence you ought to have demanded to excuse you to the King my master."

Glamorgan could only refer to a sealed paper which he had given to Ormond some time previously, putting him on his honour not to break the seal until, he, Glamorgan, had been

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1. Ormond to Muskerry, Dec.15, T.C.P., XVI, p.210.

2. The Old Irish interpretation of this invitation was that Digby wished to supplant Glamorgan as the commander of the expeditionary force going to England; cf. Embassy, p.99.

to England in order to obtain fresh instructions from the King. At first Ormond could not remember the incident but eventually he recalled that under Glamorgan's own eyes he had put it away carefully in a drawer of his desk.

"And there it lives", he added. Giving his keys to Sir Paul Davis he asked him to go and bring it.

When Davis returned, Ormond asked him to break the seal. Davis did so and drew out a sheet of paper on which were inscribed "many hundred figures of cartwheels, pot hooks, stars, demi-circles and such hieroglyphics". With masterly aplomb Ormond passed the paper round the table so that the councillors could help him with their advice in solving such a complicated problem. When the paper reached Glamorgan, all he could say was that he had forgotten to leave the key to the cypher with Ormond.<sup>1</sup>

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1. Among the Carte Papers there is an undated letter from Glamorgan to Ormond (T.C.P., XVI, p.238). It is printed in Gilbert (V, p.209) immediately after another letter dated December 12. In fact, it would seem to refer to this strange document. It runs thus:

"My Lord,

And I further protest that this paper contains a true represen of my zeal towards your Lordship, under my hand and seal, desiring it be kept private by you, yet so long only until either word or deed of mine derogates from what I herein express, grounded upon the passion you show to his Majestie's service... and if that time shall ever come (which a thousand deaths shall sooner prevent) then I do not only disengage your Lordship from keeping this private but do desire it may be published, so that I may to the whole world as will appear a perfidious dissembler as my ambition till then is to be esteemed ..."



That seemed to put an end to the dangerous suspicion that Ormond had been informed of what Glamorgan was doing. Relieved, Digby jumped up and asked that Glamorgan be removed to an adjoining room. Thereupon he proceeded to substantiate his charge. The Treaty, he pointed out, embodied the transcript of a commission dated March 12th, 1645, purporting to be signed by the King, which Glamorgan had cited as his authority. Digby declared the commission to be either forged or additional to other instructions narrowly restricting its application. Turning to the two Confederate Commissioners who chanced to be present he observed that the disclosure was fortunate since the King could never have sanctioned the concessions made by Glamorgan. At worst Glamorgan was a common forger; at best he had deliberately misinterpreted his instructions.<sup>1</sup> The Council resolved to keep Glamorgan in custody.<sup>2</sup>

Further details of the occasion of the arrest and of subsequent developments are contained in the report to the King's council in England, despatched on January 5th; since it was sent officially on behalf of the whole Privy Council it need not be regarded as an accurate reflection of Ormond's own views. It stated that Digby had produced copies of three documents: the agreement between Glamorgan and the Confederates; certain other concessions; and a copy of Glamorgan's alleged authority of the 12th March.

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1. For the whole of this account, cf. *Kilbert (Bellings)*, V, pp. 3-5; *Carte*, VI, pp. 333-8.  
 2. Order of Dec. 26, T.C.P., XVI, p. 222.

The comment of the Privy Council is typical of their attitude towards the Catholic Irish. The articles, they asserted, amounted to the abolition of the royal supremacy and the permanent loss of Church lands; it was impossible that the King could ever have suggested them. There had, the report continued, been no alternative but to imprison Glamorgan in Dublin Castle. On December 30th, when he had produced his counterparts of the original articles, he had been released from close confinement. Certain discrepancies between the counterparts and the originals had been noted. For example, Glamorgan had sworn under oath not to engage the Confederates to fulfil their part of the terms until conditions from his Majesty, and by his Majesty, be performed; in his own copy, the words "or his pleasure known" had been added. As the privy councillors pointed out, these words "doe make a wide difference in the sense".<sup>1</sup> It is possible that the addition was trivial, depending on when Glamorgan made it; for if he made it immediately before handing over the copy to the Privy Council, he intended to deceive, by implying that the conditions of the treaty were not obligatory on the King. This would still be no proof that Glamorgan was acting independently, since his whole purpose may have been to protect the King,

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1. Carte, VI, pp.333-8.

but it does reveal that he was guilty on at least one occasion of tampering with a document which, though only a copy, was so important as to merit being kept intact.

The report mentioned that a copy of the interrogation of Glamorgan by a sub-committee of the Council consisting of Roscommon, Lambart and Ware, which had taken place on the 27th, was enclosed. Glamorgan had been questioned at great length, but his answers had been non-committal and he disclosed very little new information. His main worry seems to have been to insist that the King was not in any way bound by the Treaty, and that his own honour remained inviolate. About his authority,

"and he saith humbly conceived he hath don nothing herein, but what he hath warrant for, and don as the examinatur humbly conceives, without intention of prejudice to his Majestie's honor or service or to the Protestant religion, all circumstances considered."

His last qualification indicates that he held to the opinion that the established church was likely to fall with the King unless aid was received from Ireland.

Later on he reiterated:

"...that what he did therein is not obligatorie to his Majestie as he conceives."

He then claimed that he had kept the Treaty secret,

"(he did not) communicate or impart the same or the substance thereof to any person whatsoever".

And, two days afterwards, he insisted on protecting his own honour by adding to the report of the proceedings,



"And without any just blemish of my honour my honesty, or my conscience." 1

Glamorgan's answers convey the general impression of a man who was trying to protect his king while saving himself from disgrace. It is to be noted that there was no ~~admission~~ whatsoever of his being guilty of disobedience.<sup>2</sup>

Digby's version of the circumstances of Glamorgan's arrest added some interesting information. The Confederates had been encouraged by it to stiffen their demands, he reported, and it was quite clear that the three thousand troops earmarked for the relief of Chester would not be despatched unless consent were given to Glamorgan's articles. He even proposed, with his customary regard for political expedience, that the indictment of Glamorgan should be deferred until these troops had embarked.

On the surface, Digby was seething with indignation at Glamorgan's treachery, but there <sup>are</sup> good reasons for believing that he was at least doubtful of the King's innocence. To Nicholas he gave an equivocal account of what had happened. On the one hand, he emphasised that Glamorgan's alleged commission was improperly attested as though this were sufficient proof of its being forged. On the other hand, he observed that he had had no choice but to arrest Glamorgan for the sake of protecting the King's good name, as though there were some doubt about the justification of the arrest.

1.T.C.P.,XVI, pp.224-8; Gilbert,V,pp.216-21.

2.Cf. "... but the Earl stands stiffly to what he has done and justifies his actions at full." N.Loftus to Sir Philip Percivall, Jan.14, 1646,Egmont MSS. , I,I, p.277.

Again, he remarked that it would have been madness for anyone to enter into such a treaty with the Irish without authority from the King.<sup>1</sup>

Digby was very conscious that he would be blamed for the arrest. He asked Walsingham to inform his friends the Babylonians, namely the English Catholics, that he intended no harm to Glamorgan.<sup>2</sup> And to Hyde he wrote in wry amusement:

"... have I not carried my body swimmingly, who before being so irreconcilably hated by the Puritan party have thus seasonably made myself as odious to the Papists. Well! my comfort is that the very few honest men in the world will love me the better, and while I do the part of a man of integrity and honour I am willing to trust God for the rest."<sup>3</sup>

It is noteworthy that in these and subsequent remarks about Glamorgan there is no hint that he regarded Glamorgan as a traitor.

Two facts about Digby's part in Glamorgan's arrest can be firmly established. First, he had no knowledge of any secret understanding between Charles and Glamorgan. This may be inferred from his correspondence with Ormond and Nicholas. Some time later, moreover, Hyde informed Nicholas that he was convinced of Digby's complete ignorance of the ulterior purpose of Glamorgan's mission to Ireland.<sup>4</sup> Secondly, while his references to Glamorgan were always derisive, he was not actuated by malice - although a number of people,

1. Leland, III, p.268; see also Rushworth, pt.IV, pp.240-2; for a comment on the absence of the signature of a Secretary, see below pp.696-7.

2. See below pp.696-7, where the letter is printed.

3. Clar.S.P., II. p.199.

4. Ibid., p.345. On March 7th, 1647.

apart from Rinuccini and the Old Irish, believed that he was.<sup>1</sup>

On January 2nd, 1646, Rinuccini protested against Glamorgan's arrest in letters to Henrietta Maria and Mazarin.<sup>2</sup> On January 3rd, the Supreme Council, in demanding his release, contracted to be answerable for his appearance on summons to a trial. ~~5,000~~ <sup>Three thousand</sup> troops were standing by for the relief of Chester; nothing was wanting but shipping and the release of their commander.<sup>3</sup> On January 6th, they stated flatly that they would not resume negotiations until Glamorgan had been freed. At the same time, they pointed out that the relief of Chester was being dangerously delayed.<sup>4</sup>

The suggestion that Ormond heeded these injunctions does not carry much weight. He had always presented a firm front against the Confederates and would have considered it demeaning to yield to such obvious pressure. In any case, he did not authorise Glamorgan's release for another fortnight.<sup>5</sup>

Glamorgan himself never doubted his imprisonment would be short. On the 5th he wrote to his wife:

"this cloud (his imprisonment) will be soon dissipated by the sunshine of the King, my master."

This letter to his wife is extremely interesting. In the

1. Cf. "We be all lost in Wales by the business between you and my Lord of Glamorgan... Rupert is in great enmity with Digby. The oculist (Lord Astley) does likewise lay much blame on the said Lord because of Glamorgan his business... Sir Nicholas Byron reports Digby to be the cause of our misery, that Glamorgan has done nothing but with your consent and the Kings!"

Archbishop Williams to Ormond, Jan., C.S.P.D., nd, T.C.P., XVI, p. 443.

2. Embassy, pp. 111-12.

3. T.C.P., XVI, p. 243; Gilbert, V, pp. 233-4.

4. T.C.P., XVI, p. 243.

5. Glamorgan had in fact been released from close confinement on December 30th (T.C.P., XVI, p. 231).



first place, it was written in a style so much clearer than that of the letters addressed to Ormond that it would seem he had been deliberately obscure. Secondly, it revealed none of the misgivings of a guilty conscience. Glamorgan claimed that he had been:

"guilty of nothing, that may testify one thought of disloyalty to his Majesty."

His conscience was untroubled:

"And believe it, Sweetheart, were I before the Parliament in London, I could justify both the King and myself in what I have done."

He also made a declaration scarcely to be expected from a petty schemer:

"But I must needs say, from my Lord Lieutenant, and the Privy Council here, I have received as much justice, nobleness and favour, as I could possibly expect." <sup>1</sup>

Unless Glamorgan were an unconscionable liar, there is no longer any question that he believed he had carried out at least the spirit of the King's intentions.

Ormond privately interviewed Glamorgan on January 6th, urging him to produce the commission authorising him to treat with the Confederates. Glamorgan claimed that the commission was being kept as a pledge by the Supreme Council. As they would be vexed if he wished to show it to Ormond, he would be grateful if Ormond would withdraw his request. Ormond

1. Husband, p.827; Rushworth, pt.IV, I, p.246.

2. Gilbert, V, p.240.

must be presumed to have agreed to do this since, in a letter written to him, after his release, Glamorgan thanked him for his forbearance.<sup>1</sup> Of what further took place at the interview nothing is known, but on the next day, January 7th, Glamorgan sent this note to Ormond:

"Sir, I have here enclosed sent to you a copy of the power which your Excellency saw last night and did yourself transcribe. I have likewise attested it, which I should not have done but but I am confident that your Excellency is therewith satisfied, and that you will make no other use of it but for your own satisfaction, and your future warrantie to his Majestie if need should require, but otherwise not to show it to any as you tender his service, and the good of one so much devoted to you as myself, who yesterday wayted upon you provided to declare and manifest to your Excellency many other powers and favours from his Majestie which have both enabled me and encouraged me to doe his servide, and next to him and his your Excellency, to whom I shall I hope, have conveniency hereafter to enlarge myself... And give me leave to say without vanity that if I be not now nipt in the bud I hope to produce such a blossom of loyalty and zeal to the King, my master's service... as may render my memory considerable to future ages." 2

The warrant to which Glamorgan here referred was that of January 12th.<sup>3</sup> His later reference to having produced other favours from the King suggests that he had shown Ormond the rest of his patents. Obviously he believed that Ormond had been not unimpressed by the appearance of these and would very shortly release him.

The concluding flourish apparently referred to his efforts

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1. See below p. 456, where the letter is quoted.

2. T.C.P., XVI, p. 253; Gilbert, V, pp. 244-5.

3. Confer Ormond's memorandum on Glamorgan's papers, *ibid.*, p. 251; Gilbert, V, pp. 240-1.

to raise troops, upon which he elaborated three days later<sup>1</sup> in another letter seeking to hasten his release. Having first commented on the serious effects of his imprisonment on the King's cause, he went on:

"...at Kilkenny I had gotten credit for £15,000 sterling...by this, to be imployed in his Majestie's service, and had also taken order... of shipping to be imployed in the transportation of the forces intended...(for the) reliefe of Chester, and the armye designed for England... I doubt not that I shall make it to his Majestie ...the whole world, that I have done nothing since my comeing... but with great care and regard unto the honour of his Majestie and the...preservation of his Protestant subjects." 2

Here again is the guarded implication that he could explain everything but dare<sup>d</sup> not do so.

Glamorgan's assertion that he had gone far to prepare an expedition for the relief of Chester may have induced Ormond to release him. Whether he was being truthful or not, it was plain that his continued imprisonment would be damaging to the King's interests. Even so, Ormond was characteristically slow in making up his mind. Only after a space of 12 days did he issue an order for Glamorgan's release. Of course he may have been waiting for instructions from the King.

Although concern for the relief of Chester was an important consideration, it may well be that Ormond's chief reason for releasing Glamorgan without waiting for the King's orders was the conviction that Glamorgan was innocent. To

1. Between the 7th and 10th he wrote yet another letter which contained a cryptic reference to his self-sacrifice (Gilbert,V,
2. Ibid.,pp.245-6. p.245).



begin with, he allowed a fortnight to elapse before writing to inform the King about his interview with Glamorgan. Again, on January 9th, with the interview still fresh in his mind he actually told Nicholas that there was "nothing worth your trouble" to report pertaining to the "Glamorgan proceedings".<sup>1</sup> Now there may be several explanations of this curious behaviour but surely the most likely is that he recognised that Glamorgan was telling the truth<sup>2</sup> and had no sense of urgency about communicating with the King. It is to be noticed that when he did so he made no reference to the "other favours" shown to him by Glamorgan; and, yet, if he thought they were forged, he might have been expected to ask the King to verify them.

It has already been stated that while it is difficult to determine the precise meaning of Glamorgan's correspondence with Ormond during his stay at Kilkenny, it is at least evident that Ormond knew of the commission empowering Glamorgan to raise an army. This could explain why he was so easily convinced of the legitimacy of the commission of January 12th. For he would surely not have taken on trust a commission that bore a close resemblance to that of March 12th which every member of the Council in Dublin presumed to be forged, if he had not some previous knowledge of a special

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1. Gilbert, V, p.247.

2. For what it is worth Father George Leyburn subsequently attributed the statement to Rinuccini and the Bishop of Clogher: "he (Glamorgan) had exactly followed his Instructions: and particularly that concerning my Lord Lieutenant, whom he had made acquainted with all, that he had transacted with the Irish of which he could produce proof." Memoirs, p.295.

relationship between Charles and Glamorgan. In other words, he would have tried to avoid charging Glamorgan with treason in the first place had he not believed him guilty and would not have freed him within less than a month without the strongest of motives. Again it must be emphasised that he was deeply concerned about the delay in relieving Chester,<sup>1</sup> but given his consistent regard for constitutional propriety it is hard to believe that this was the deciding factor. It is also true that Glamorgan was released on bail but there was no guarantee that he would appear for trial and in any case it was, to say the least, unusual to allow bail to someone charged with <sup>a</sup>treson.

The Supreme Council wrote yet again to Ormond on January 16th pointing out how prejudicial to the assistance destined for the King was Glamorgan's continued confinement.<sup>2</sup> No help whatsoever would be given to the King until he was released. The Council also sent Sir Robert Talbot to Dublin to reinforce their protest.<sup>3</sup> Glamorgan himself made a further plea to be released on bail in an uncharacteristically lucid letter.<sup>4</sup> It

1. On December 12th he had notified Archbishop Williams at Conway and Lord Byron at Chester that 3,000 troops were about to sail under Glamorgan's command; cf. Williams to Ormond, Jan. 2, 1646; T.C.P., XVI, p. 242; Williams to Lord Astley, Jan. 25, Tanner MSS., lx, f. 386; Williams to Ormond, n.d., T.C.P., XVI, p. 443.

2. Ibid., p. 276; Gilbert, V, pp. 246-7.

3. Carte, III, p. 222.

4. This letter contained the statement:

"It is not unknownen to yo<sup>r</sup> Excy, or any of the Councill, thay my comeing into this Kingdome was in obedience to his Maties Commands who was pleased to imploy me hither."

Gilbert, V, p. 248.

is probable that these various petitions and the tough attitude of the Supreme Council served to hasten Ormond's decision.<sup>1</sup>

Glamorgan was formally released from custody on January 22nd, twenty-eight days after his arrest. Rinuccini for one was astonished. In his words, which were no doubt typical of what many people were saying:

"... to set at liberty a prisoner arrested on a charge of high treason, without the knowledge and commands of the King is an unheard of proceeding." 2

Bail was fixed at the enormous sum of £40,000, £20,000 being subscribed by Glamorgan himself and the other half being shared equally between Clanrickard and the Earl of Kildare.<sup>3</sup> It is doubtful if this were a completely serious arrangement. No attempt was made to bring Glamorgan to trial in spite of the fact that the charge of treason was never officially withdrawn and yet none of the guarantors forfeited their recognizances.

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1. In one of his reports to Pamphili Rinuccini stated that Ormond had sent messengers to Kilkenny to apologise for Glamorgan's arrest (Embassy, p.113). It does not follow of course that Ormond had been intimidated.

2. Embassy, p.115.

3. T.C.P., XVI, p.285.



## Chapter X

### The Glamorgan Treaty disavowed by the King, January - March, 1646.

Within a few days of Glamorgan's return to Kilkenny the King had publicly repudiated his treaty. The news penetrated so slowly into Ireland, however, that two months were to elapse before it reached the Supreme Council. In the meantime, Glamorgan continued to play an active part in the political life of the Confederacy.

Before leaving Dublin he had promised Ormond that he would try to persuade the Supreme Council to consent to the declaration of a public agreement without further delay. This should not have been difficult for the Ormondists were entirely in favour. Indeed, Rinuccini likened their impetuosity to reach agreement to a river in flood.<sup>1</sup> And certainly Browne and Darcy were immediately sent to Dublin to clear up the remaining difficulties.<sup>2</sup>

But whereas the Supreme Council welcomed Glamorgan's release as confirmation of his authority to offer religious

1. Embassy, p.115.

2. Muskerry to Ormond, Jan.28, Gilbert, V, p.254; same to the same, Jan.29, *ibid.*, pp.254-5; Ormond to Glamorgan, Feb. 3, *ibid.*, p.257; see also T.C.P., XVI, p.290; *ibid.*, p.291

concessions, Rinuccini argued that as a man charged with treason and only released on bail Glamorgan could scarcely be regarded as an accredited envoy. It followed that there could be no question of coming to terms with Ormond over political matters. Rinuccini's opposition was a serious stumbling-block at a time when the Assembly was in session, for though the Old Irish deputies were still disorganised he could be counted upon to mobilise their resistance. According to Rinuccini himself the Council was afraid of his whipping up a hostile majority and tried in vain to postpone or even cancel the first meeting of the Assembly. When this attempt failed they not only sought to pack the Assembly with their own supporters but drew up a doctored version of the latest terms put forward by Ormond.

(Coming from Rinuccini, such an allegation is suspect and, to judge from the fact that the Assembly was convened as early as February 7th, the delaying tactics and jerrymandering of the Council could not have been either skilfully or energetically executed. <sup>8</sup> The opening of this sixth General Assembly <sup>1</sup> ~~also~~ marked the beginning of the decisive conflict between those who wanted public agreement with Charles I even if it meant trusting to his word for future benefits and those who would not consent to agreement without cast-))

1. The sixth General Assembly had been summoned originally to determine what action to take following Glamorgan's arrest. According to Rinuccini the Council and the Peace Commissioners wished to cancel the summons after Glamorgan had been freed on the plea that there was now nothing for the Assembly to discuss.

iron guarantees. After three months, the conflict was to end ~~simply~~ with both sides irreconcilable.

During this period Rinuccini steadily organised the opposition by giving it a champion in himself and a platform. It was no coincidence that at about this time the term "Nuncioists" was first used to designate the anti-peace party. In the Ormondist view the clergy, inspired by Rinuccini, broke up the Confederacy. Consider, for example, this estimate of their responsibility:

"The Roman Catholic clergy raised that hellish distinction of Old Irish and English which multiplied our miseries by a retrospect into ancient titles of some 100 years, and raised animosities that blew up a war soon among ourselves; and this meerly to varnish their ecclesiastical pretences, & secure their church livings." 1

This was far from being a narrowly sectional judgement. With the virtual eclipse of the King the Confederacy was no longer at war with but one of two parties to a civil war but with a united England. In this new situation it was therefore essential to rally the whole of Ireland by pooling their resources with those of Ormond. By preventing union with Ormond the clergy were guilty of fractionalism.

Looked at from one angle only this line of reasoning was sound. As the clergy saw it, however, it was the Ormondists themselves who were prepared to sacrifice their fellow Catholics for the sake of private gain.

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At first, Rinuccini played a strong card. On November 1. Plunket-Dunne MS., p.790.



30, 1645, Sir Kenelm Digby<sup>1</sup> had at last procured the draft of a treaty between the King on one side and the English and Irish Catholics on the other. The draft was signed by Cardinal Pamphili and Digby promised to obtain the King's signature also and have it conveyed to Ireland. In due course, the Queen rejected it without bothering to refer to to the King but Rinuccini was to remain ignorant of this until the midsummer of 1646. Meanwhile, Pamphili had forwarded the copy of the draft to Rinuccini empowering him to add to or alter it as he saw fit and implying that the draft would receive the royal approbation. The draft was to be produced by Rinuccini if through any mishap the Glamorgan Treaty should be dishonoured.<sup>2</sup>

The "Roman" treaty, as it came to be called, was most attractive. A distinction was drawn between the claims of Irish and English Catholics. As far as Ireland was concerned the Church was to be completely re-established; the penal laws were to be revoked; a free parliament was to be summoned. Catholics were to be given high command in the army; Dublin and other strongholds were to be placed in Catholic hands; lastly, Ormond was to join forces and help to expel the Scots and the Parliamentarians from Ireland.

<sup>3</sup>  
As for England, the penal laws were to be repealed by

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1. See above pp.397-404; Embassy, p.576.

2. Ibid., p.572.

3. The English Catholics later made several amendments to the clauses affecting them. These were forwarded to Rinuccini (Com. Rin., II, pp.121-3).

act of Parliament. For their part, the Confederates were to send 12,000 troops to England under the command of Irish officers. This army would be supported by 2,500 horse commanded by English Catholics. In the first year the Pope would finance the expedition to the tune of 100,000 crowns; he would also provide subsidies for two further years if they should be required. Charles would be allowed ten months grace in which to implement the terms concerning the English Catholics.<sup>1</sup>

Rinuccini always behaved as though this draft treaty had already received the royal assent, thus drawing upon his head the condemnation of his opponents who believed that he was trying to deceive them. Their criticism was not justified by the facts. The most serious charge that could be levelled against Rinuccini was ~~this~~ readiness to claim that the draft from Pamphili was the copy of a treaty already arranged in Rome, the original of which he would have shortly in his own hands. In several letters to Pamphili, in which to dissimulate would have been pointless, he expressed anxiously the hope that the original was on its way. On May 3rd, for instance, he complained that Digby had still not sent him the peace articles and wondered what

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1. Com.Rin., pp.118-9.

2. Historians such as Carte subsequently accused Rinuccini of this deception.

had gone wrong.<sup>1</sup> It must be added, also, that for Rinuccini, a devout and obedient churchman, any document signed by his superiors in Rome had the force of holy writ.

At any rate he insisted that nothing further ~~could~~

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1. Embassy, p.162. It is interesting to note that Rinuccini also laboured under the delusion that Kenelm Digby was bringing the original draft to Ireland in person. How he obtained this impression it is hard to say. Never in any of the accessible documents did Pamphili state that Digby was going to Ireland. Of course a letter from Pamphili might have gone astray. Alternatively Rinuccini might have derived his information from some quite different source - a correspondent in Paris, for instance. In one letter to Pamphili Rinuccini wrote:

"And still the wonder continues that we have nothing from Digby since the 1st of February nor from Invernizi since the 6th of January, yet on that day the Nuncio of France wrote to me that he was about to set off immediately."

(Embassy, p.149). But was he referring to the expected arrival of Invernizi rather than Digby? And yet again on March 5th he informed Pamphili that Digby was rumoured to be at Nantes on his way to Ireland (Embassy, p.128; see also Com.Rin., II pp.206-9).

The odd thing is that Digby himself never seems to have had any intention of going to Ireland. It may be reliably inferred, therefore, that Rinuccini unwittingly misunderstood something which Pamphili had written.



could be done in Ireland by way of negotiations until the original of the Roman treaty had been received. As on a previous occasion he assembled the bishops on February 6th and got them to sign a declaration in support of the Roman treaty. This declaration was to be kept secret unless it should become necessary to produce it.<sup>1</sup>

On February 7th he appeared before the Assembly for the first time. After presenting letters from the Pope and Pamphili<sup>2</sup> he recommended the Roman treaty for their adoption.<sup>3</sup> It was at once apparent, however, that the majority were disposed to vote for the Ormond treaty. Bellings considered that Rinuccini's speech made little impression;<sup>4</sup> even the northern deputies disliked the Roman treaty since it contained no provision for the restoration of their lands; and many deputies believed that Rinuccini's only purpose was to obstruct the negotiations with Ormond.<sup>5</sup> So strong was this feeling that in retrospect at least one chronicler was prepared to accuse the Nuncio of lying in order to curry favour for the Roman treaty.

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1. Embassy, p.178; Com.Rin., II,

2. Both dated March 2nd, 1645, Com.Rin., II, pp.126-8.

3. Embassy, p.116. He claimed that the Supreme Council had already received a copy of the treaty from their agents in Paris but deliberately suppressed it so as not to impair the chances of agreement with Ormond (*ibid.*, p.117).

4. "it appears very strange (when I reflect on it) how little impression it made on the audience." (Gilbert, V, p.10).

5. *Ibid.*

According to this hostile source Rinuccini claimed that he had 4 frigates, arms for 4,000 men and money to underwrite the annual expenditure of any one province. If necessary, His Holiness would provide more. With regard to this allegedly false statement:

"The Author of Vindiciae Catholicorum Hibernia conceals these practices out of respect to the Pope or Legat who knew he abused the people with lies, for he had neither arms nor money nor more than one frigate, nor any probability of either." 1

Convinced that it would require little persuasion to reduce the hostile majority Rinuccini prepared an oration which he delivered on February 9th. The gravamen of his argument was that, as Catholics, their first obligation must be to the treaty transacted in Rome, the original of which was shortly expected in Ireland. The Glamorgan Treaty was neither "honourable nor safe" whereas this one was not only "honourable and ~~un~~trustworthy" but "much more full and better", stipulating for a separate parliament for Ireland, for Catholics to hold various offices, and for the "absolute authority of the Nuncio in all ways". Mistakenly he stressed this last point, for while it seemed to him advantageous to possess so much power, the last thing the Ormondists wanted was to be subject to his control, especially in view of the close association he had already formed with the Old Irish.

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1. Plunket-Dunne MS., pp.802-3.

To advance his argument Rinuccini made one curious point. He declared that the peace would help the King's cause on account of the yearly subsidy promised to him. It would also please Ormond and George Digby (!) as the latter had told Glamorgan through Leyburn during his imprisonment that he would obtain consent from the King to the free exercise of the Catholic religion in exchange for an annual papal subsidy.

Rinuccini invariably exaggerated the importance of papal grants in general and the size of the particular sum he had brought with him. As a result his frequent attempts to influence the policy of the Confederacy by representing the papacy as a source of largesse weakened rather than strengthened his prestige and laid him open to the charge of being deceitful.

After several practical comments on the best way of waging war against Parliament, Rinuccini came at last to his peroration. He contrasted the unpleasant fate that awaited them if they contracted any treaty except that sponsored by His Holiness with the bright future otherwise in store. Finally, he proposed that while waiting for the original of the Roman treaty they should arrange a truce.<sup>1</sup>

In advocating that treaty Rinuccini carefully refrained from mentioning the clause referring to the

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1. Com.Rin., II, pp.135-8.



surrender of Dublin and other strongholds to the Catholics. His motive was that Ormond's followers would never consent to this proposal and that Ormond himself would reject it even if the King approved.<sup>1</sup> Here is an excellent example of the partisanship of so much of the reasoning connected with these negotiations. In suppressing the provocative clause, Rinuccini considered himself to be acting with justifiable circumspection.<sup>2</sup> Yet Ormond's alleged suppression of concessions which the King had empowered him to grant had always been ascribed to malice and self-interest. Similarly, at this very time, the peace commissioners were being accused of deliberately concealing the terms they had agreed with Ormond. It was permissible for one side to play the tactician but never the other.

Even so, Rinuccini's eloquence still failed to move the Assembly and his opponents were able to enumerate several good reasons for concluding peace with Ormond at once. In the first place, Ormond had authority from the King only until April 1st. If no arrangement had been made in the meantime, his authority might be permanently revoked. Then there was the desirability of combining forces with Ormond. Rinuccini's suggestion that they should rely on a truce pending receipt of the

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1. Ibid., p.129.

2. Hynes, p.54, paraphrases Rinuccini's report of the suppression to Rome but makes no comment, as usual, on its ironic overtone.

Roman treaty was rejected on the grounds that the troops earmarked for service in England would refuse to embark for fear of being treated as rebels in England; their failure to come to the King's aid at this time would be disastrous. Among other points, they promised to abide by any agreement made between the Nuncio and Glamorgan should the Roman treaty fail.

On his side also, Rinuccini could put forward strong points besides easily rebutting some of the arguments used by his opponents. His main objection was to arranging a political peace while ecclesiastical matters were left in abeyance. It was all very well to talk of trust, but what guarantee was there that Ormond would not find pretexts for rejecting the Roman treaty?<sup>2</sup>

It is plain that the exchanges were made with some heat. Father George Leyburn, an English priest attached to the Queen's household, and by her sent to Ireland to woo the Confederates, resorted to provocative language. The Nuncio, he said:

"had slandered the Queen and imposed on the Irish nation; that her Majesty had neither agreed nor would consent to any such articles, and that the fine story told them about the Roman treaty was only an idle representation, invented to ruin his Majesty, and hinder the peace of the kingdom."<sup>3</sup>

In fact, the Nuncio was acting in good faith.

So also was Leyburn, for his assessment of the Queen's

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1. Embassy, pp.125-6.

2. *Ibid.*, pp.126-8.

3. *Ibid.*, p.119.

attitude to such articles was correct. The Queen still continued to suspect that the covert purpose of Rinuccini's mission was to make Ireland a temporal appanage of the papacy. Rinuccini made an effort to bring a process against Leyburn. He was unsuccessful; Leyburn claimed to be a missionary. Asked for advice, Pamphili wisely cautioned that Leyburn be gently encouraged to quit Ireland.<sup>1</sup> Leyburn did leave Ireland, only to return a year later to play a major role in Irish affairs.

Heated charge and countercharge continued for four days until the Earl of Glamorgan offered to mediate by bringing together Rinuccini and seven representatives of the Assembly. Glamorgan had already consented to shelve his own treaty in favour of the one from Rome.<sup>2</sup>

Superficially this would seem further proof of Glamorgan's weakness of character. But he had good reasons for doing what he did. After all, one of the parties to the Roman treaty was the Queen herself and it was logical to suppose that negotiations conducted by her took precedence over his own. As he wrote to Ormond on 8th February:

"Neyther need I use many words to persuade your Lordship that the expectance of a more advantagious peace wrought by the powerful hand of her Majestie, soone wipes out the clandestine hopes of my endeavours to serve the nation."<sup>3</sup>

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1. Embassy, p.119;
  2. Embassy, p.117.
  3. Gilbert, V, pp.258-9.



In any case, his own articles were to be permanently abandoned only if the articles from Rome arrived before May 1st. Otherwise, they were to be resumed. He was also perfectly aware of what he was doing.<sup>1</sup>

Moreover, Glamorgan seems to have reasoned that troops must be sent to the King immediately or not at all. Chester was being besieged and its capture would entail the loss of the only port where it was still possible to land troops. In a letter to Rinuccini, dated 6th February,<sup>2</sup> he offered to go to Rome and to visit the other Catholic princes in the hope of obtaining help and transport for the expedition, which is some indication of his desperation. He further explained the necessity of his deference to Rinuccini in the letter to Ormond just noted. Unless Rinuccini gave his consent, the Irish would never send help to the King. In any event, the Irish could furnish only troops; money and supplies had to be sought from the Catholic princes who would resent any disrespect shown to the Papal Nuncio. He proposed that Ormond should officially employ himself and others as agents to the Nuncio for the purpose of arranging favourable terms. Ormond apparently refused.

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1. This may be inferred from Rinuccin's ~~own~~ account: "... though the Earl at First excited much indignation among his friends and relations who strongly opposed him." Embassy, p.117.

2. Com.Rin., II, p.131.

Glamorgan's correspondence with Ormond after his return to Kilkenny sheds further light on their discussions before his release. In his first letter, dated January 29th, he acknowledged his debt to Ormond:

"... for my releasement, which I owe to your Excelencye,<sup>1</sup> and the King my master, will, I am confident, hereafter acknowledge it unto you... That night I could doe nothings, but the next morneinge, I endeavoured to perform that part, for which I had received your commands..."<sup>2</sup>

The words "that part" referred to Glamorgan's efforts to facilitate the Confederates' acceptance of Ormond's terms, because three days later Ormond wrote to ask how preparations for the peace negotiations were proceeding.<sup>3</sup> Glamorgan replied a few days later on the 8th to tell him that news of Her Majesty's treaty had arrived to change the situation completely.<sup>4</sup>

Ormond dispatched his reply to this information on the 11th:

"(I) doe (not) at all vnderstand what ground there is fore the expectation your Lordship mentions of advantagious conditions by meanes of her majestie..."<sup>5</sup>

and continuing,

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1. I have amended the text as it stands here by adding a comma after 'Excelencye'. This is clearly the true meaning of the passage.

2. Gilbert, V, p.255.

3. Ibid., p.257.

4. Ibid., p.259.

5. Ormond was obviously mystified by Glamorgan's reference to her Majesty in reference to the Treaty negotiations. He knew nothing of events in Paris.

"My Lord, my affections and interest are soe tyed to his majestie's cause, that it weare madnes~~s~~ in mee to disgust any man that hath power and inclination to releave him in the sad condition he is in, and therefore your Lordship may securely goe on in the wayes you have proposed to your~~s~~selfe to serve the King without feare of inter~~u~~ption from mee, or soe much as enqui~~ri~~ng into the meanes you worke by. My comm~~is~~sion is to treat with his majestie's confederate catholique subjects heere for a peace, ~~uppon~~ conditions of honor and assistance to him, and of advantage to them; which accordingly I shall pursue to the best of my skill, but ~~I~~ shall not venture ~~uppon~~ any new negotiation~~s~~ for~~ai~~gne to the powers I have received..."<sup>1</sup>

Taken in conjunction with the fact that Ormond released Glamorgan on his own initiative, this letter confirms beyond any reasonable doubt the view that Ormond took of Glamorgan's credentials. He accepted them as genuine, but disapproved of the powers they conveyed; yet he would not interfere with Glamorgan's work. Officially he would proceed on the authority of his own commissions to seek an 'honourable' peace, as if no other negotiations were going on simultaneously.

All Glamorgan's efforts were now bent on securing the promised troops for the King at all costs. His sense of urgency was perhaps sharpened by a justifiable anxiety to restore his good name, which could not be done until he set foot on English soil with Irish troops and enabled the King to publish the true story of his mission. In an attempt to speed up supplies for the King he drew up a lengthy memorandum in Italian for Rinuccini's benefit representing the King's acute need and giving for the first time a fairly

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1. Carte, VI, pp.352-3. See also Ormond's friendly letter of February 27th, T.C.P., XVI, p.340.



clear description of the purpose of his own mission. Treating took place both in public and in private; that in private was intended for the benefit of all Catholics, but particularly the Confederates. The latter should be content with the concessions already made by him, or "to be made by him, according to the circumstances of affairs at that time", which should be added to the articles offered by Ormond, "since in the ports, which he (Ormond) now holds, he can be of the greatest service or disservice to our affairs".<sup>1</sup> He also made a speech to the General Assembly in which he appealed for immediate assistance to the King.<sup>2</sup>

Glamorgan's efforts as a mediator were crowned with success, at least to all appearances. Actually he obtained support for a compromise, 'a kind of tripartite instrument',<sup>3</sup> to which each side only consented because it appeared to redound to its own advantage. For instance, on discovering that the Supreme Council had never revealed the conditions of the political treaty to the Assembly, Rinuccini believed he had seized the advantage.<sup>4</sup> It was not clear whether he threatened to inform the Assembly that it was being kept in the dark or whether he merely let slip the possibility

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1. Com. Rin., II. pp. 142-3.

2. Com. Rin., II, pp. 138-9.

3. ~~Ibid., p. 138.~~ Gilbert (Bellings), V, p. 11.

4. ~~Ibid., p. 138.~~ Com. Rin., II, p. 138.

of his doing so, but the councillors took their cue, or pretended to do so, and in the ensuing conference were conciliatory. They agreed not to announce the Ormond peace unless the Roman Treaty were announced at the same time. Rinuccini still insisted that no peace of any kind should be ratified before the Roman treaty had been received. A compromise, favourable to Rinuccini, as he believed, was at last reached on February 16th. It was agreed to prolong the cessation until May 1st, to postpone publication of any Treaty, to make no changes whatever in the civil government, in the meantime, and to do nothing to hinder negotiations between Rinuccini and Glamorgan. All this provided that by the same token no obstacle should be placed in the way of further negotiations with Ormond over political matters. When the time did come to publish a treaty, it would be done through the Assembly and upon the recommendation of the Nuncio and Glamorgan.<sup>1</sup> In a separate agreement, Glamorgan ratified the articles between the Pope and the Queen and guaranteed to persuade the King to ratify them also, on condition that if the original of the Roman treaty were not delivered before May 1st, his own treaty should be resumed.<sup>2</sup>

Rinuccini reinforced his position on February 19th by extracting an oath of adherence from Glamorgan "against

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1. Embassy, p.118; Com. Rin., II, pp.146-7.

2. Ibid., pp.145-6.

all the relations and favoures of the Marquis of Ormond"<sup>31</sup>  
 His satisfaction with his week's work was completed by  
 the acclamation which greeted him when he appeared before the  
 Assembly on February 21st<sup>2</sup>.

Though entitled to some feelings of self-satisfaction,  
 Rinuccini over-estimated his success. He had certainly put  
 off the final settlement with Ormond for the time being -  
 for good, as he thought - but only because his opponents  
 considered it worth avoiding a head-on clash by waiting  
 until May 1st. Bellings was sufficiently confident to  
 assure Ormond that peace was virtually assured.<sup>3</sup> Even so,  
 he had scored a decided tactical victory over the Ormondists.  
 There is no question, too, that he had loosened their grip  
 on the General Assembly; so much so that if his own evidence  
 is to be trusted pressure was put upon the Supreme Council,  
 vainly as it happened, to relinquish the free hand to  
 negotiate which they had been given by the General Assembly.<sup>4</sup>  
 And, certainly, it was at his prompting that the Assembly  
 resolved to reduce the numbers of the Supreme Council to  
 some eight members and the secretary, and to leave the  
 management of ecclesiastical property entirely to the clergy.<sup>5</sup>

Having got his way, Rinuccini agreed that 3,000 troops  
 be mustered instantly for the relief of Chester. He:

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1. Embassy, pp.117-8; Com.Rin., II, pp.150-1

2. Embassy, p.118.

3. He also had news of a 'plot'. T.C.P., XVI, p.337.

4. Embassy, p.137.

5. Com.Rin., pp.148-9.



"thought it well to made no opposition, in order to show that the Pope really wishes to assist His Majesty, a necessary point to keep constantly in view." 1

Obviously, he was anxious to counter the kind of attack made upon him by Leyburn.

While the debate had been proceeding at Kilkenny, Ormond, had been wondering why there was so much delay when so little had to be done. He knew that the surrender of Chester was imminent unless a relief force could be sent over speedily and he had always in mind the King's warning of December that if no aid came before April 1st it would be too late.<sup>2</sup> Thus, when the Supreme Council informed him that the Scots were on the point of starting a major attack and asked for his advice,<sup>3</sup> he refused to give it on the grounds of being ignorant of their intentions and the strength of their forces, and urged them to speed on the business of the peace.<sup>4</sup>

Ormond's plea to the Supreme Council to hasten their discussions arrived when they were already at an end. On March 6th a fresh authority was issued to the Commissioners to carry on with the negotiations,<sup>5</sup> and a few days later the delegation departed for Dublin. Shortly after their arrival, Ormond received an urgent request from Glamorgan to put off the conclusion of a treaty for the time being

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1. Embassy, p.120.

2. See above p.365.

3. Feb.26, Gilbert, V, pp.261-3.

4. T.C.P., XVI, p.352.

5. Carte, III, p.230.

and to prolong the current truce until the middle of June.<sup>1</sup>

Glamorgan had set out for Waterford about February 24th to arrange for the transportation of troops to England.<sup>2</sup> Here he used, only for the second time so far as is known, the powers granted to him to create one earl, two viscounts and three barons, nominated by the Nuncio.<sup>3</sup> On what must have been the second or third day after his arrival he wrote to the King, announcing that he was preparing transport at once for 6,000 troops and that he hoped to arrange for the supply of 4,000 more in May. The cause of so many delays was not fitted to be committed to paper, but he had sent a gentleman to the King during his recent confinement, and was now sending his brother. Between them, they might give him true knowledge of his "faithful servants". He hoped that his affairs might run more smoothly for the future, without hindrance from many "seeming friends". His fear that the King may receive false reports about his activities is patently very real, and he is at pains to dispel them.<sup>4</sup>

By now the goal that he had been set almost two years before was within reach. A strong contingent would sail for England any day to relieve Chester, the first step towards the King's restoration. On the 27th he wrote to

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1. See below p.463.

2. Glamorgan to Ormond, Feb. 24, T.C.P., XVI, p.330.

3. Com.Rin., II, p.153.

4. Rushworth, pt.IV, i, p.249.

Lord Culpepper,

"Having overpast many rubs and difficulties,  
the long-expected work is at last compassed..."<sup>1</sup>

And on the next day, he wrote to Lord Hopton a letter which seems to prove that he regarded the raising of troops as the purpose of his mission,

"...Now, God be thanked, the business is brought to that upshot, that the ten thousand men are designed for his Majesty's service, six thousand of which are ready for transportation..."<sup>2</sup>

He wrote also to Ormond on the 24th with the intelligence that he was "morally certain" of shipping for six thousand troops.<sup>3</sup> Shortly afterwards, the Supreme Council published a proclamation declaring him Lord General of the 10,000 men destined for the King's service in England.<sup>4</sup> On March 10th he announced that the sailing date had been fixed for March 18th.<sup>5</sup>

1. Husband, p.825.

2. Ibid., p.824. T.C.P., XVI, p.338.

3. Gilbert, pp.260-1; Cf. his letter to Vice-Admiral Von Hasenduck, C.S.P., I, p.439: 6,000 troops are already assembled and four thousand more will soon be ready. Please help with their convoy and transportation.

4. <sup>Gilbert</sup> Ibid., pp.279-80.

5. Glamorgan to Ormond, T.C.P., XVI., p.372. In the same letter he added "...of late Three Shipps come into Waterford w<sup>ch</sup> with the rest there, and at Wexford, and one that Cometh about from Gallwaye will carrye the 6000 men and some horse besides the convoe w<sup>ch</sup> is dayly Expected".



And then everything went wrong. First, the shipping of which he had been 'morally' so certain failed to appear. He was also short of money. Finally, news arrived of the fall of Chester.<sup>1</sup> Hence his suggestion to Ormond that the cessation should be prolonged so as to give him time to go to France where he was sure he could obtain both ships and money and still return by the middle of June.<sup>2</sup> Ormond saw the point of extending the cessation but regretted that he could not consent to it because he would be unable to maintain his troops until June. Nevertheless, he was sending Digby to consult with Glamorgan and decide what should be done.<sup>3</sup>

Ormond's inability to agree to a further period of truce was unimportant as it turned out, for scarcely had the news of the fall of Chester shocked Kilkenny than a report was received of Charles' repudiation of Glamorgan's commission to arrange a treaty.<sup>4</sup> The Supreme Council informed Glamorgan that unless Ormond were now to join forces with them there could be no peace and they would send not one soldier to England.<sup>5</sup> In ~~the~~ momentary anguish Glamorgan swore he would transfer the troops who had been assembled to the service of France.<sup>6</sup>

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1. March 9th, ~~T.G.P.~~, XVI, p. Carte Mss., XVI, fol. 617.

2. ~~Ibid.~~, p. 376; see also the declaration of the Supreme Council and Glamorgan, March 9, *ibid.*, p. 370.

3. *Ibid.*, p. 388.

4. Cf. Glamorgan to Ormond, March 18, *ibid.*, p. 399, "though any such thinge be true, which I cannot believe at all".

5. ~~Ibid.~~, Carte Mss., XVI, fol. 617.

6. Du Moulin to Mazarin, Apr. 9, P.R.O.K., Trans. arch. Aff. Etr. Anglet., v. 52, p. 204.

But then he made a remarkably rapid recovery from his initial disillusionment. In a statement of his position, he asserted that the King's repudiation of his treaty had been involuntary. The King had ordered him to ignore anything which he, Charles, said or did under compulsion contrary to his instructions. To Charles he would send a kinsman<sup>1</sup> at once to obtain confirmation of his authority. If the Supreme Council would continue to trust him, he would use the troops and shipping already prepared to assist them in Ireland until "we can all jointly succour his Majesty in England".<sup>2</sup>

The Supreme Council were sufficiently impressed by his apparent sincerity to recommend to their Commissioners in Dublin Glamorgan's proposal that the peace articles should not be published until mid-June, especially if Ormond would declare against the common enemy. Indeed, if Ormond would make such a declaration they would supply his forces on the same scale as their own and would advance him the sum of £3,000<sup>3</sup> immediately.<sup>4</sup>

Unfortunately, the Commissioners were less impressed.

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1. Presumably ~~by~~ his brother, Lord John Somerset.

2. Com.Rin., II, pp. 159-60.

3. On March 24th, T.C.P., XVI, p.415, Ormond informed Glamorgan that Fennell had come to tell him he might have £3,000 thanks to Glamorgan's efforts.

4. March 18, ibid., p.401. Glamorgan himself informed Ormond that the Council were resolved not to make peace or send away the men encamped at Waterford unless he would declare against the common enemy; ibid., p.399.

Rinuccini also clearly considered that Glamorgan's commission, though genuine enough, was worthless in view of the King's rejection of it. In the circumstances there could be no question of permitting any troops to go to England.<sup>1</sup> The troops encamped at Waterford were themselves reluctant to ~~sail~~<sup>embark</sup>. Fortuitously, perhaps, the report at this time of the landing of Parliamentarians at Bunratty made the Munster men, who numbered 2,000, <sup>positively</sup> unwilling to sail. Even Glamorgan realized that the expedition to England must be postponed.

On March 18 he informed Ormond that it would be necessary to clear Munster of enemy troops. He was going to look into the situation. Meanwhile, he had arranged to meet Digby at Kilkenny in order to hear Ormond's commands. He must be back soon at Waterford.<sup>2</sup> So he hoped. In fact his opportunity had gone. A few months later Rinuccini noted that his credit had fallen so low among the Confederates that even the merchants had abandoned him.<sup>3</sup>

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1. Embassy, pp.153-4.

2. T.C.P., XVI, p.402. It is plain that the expedition to England had reached the final stages of planning, for with Glamorgan at this time were General Preston, Sir Marmaduke Langdale and two members of the Supreme Council.

3. Embassy, p.167.



## Chapter XI

### Charles I and the Earl of Glamorgan

Charles I first heard of the public disclosure of Glamorgan's treaty at about the end of January. Immediately he despatched a letter to Parliament repudiating Glamorgan's alleged authority and stating that Glamorgan bore a commission only for the purpose of raising troops for service in England. He went on to announce "his resolution of leaving the managing of the business of Ireland wholly to the Houses, and to make no peace there but with their consent."<sup>1</sup> This statement, at least, was demonstrably untrue.

This instant disavowal by no means satisfied his friends, failed utterly to convince his enemies,<sup>2</sup> and proved nothing.

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1. Gilbert, 11, pp.252-4.

2. C.S.P. Ven., p.248. It was the opinion of Sir Thomas Fairfax that the King was lying (cf. his letter to Lord Hopton, March 9 1646, Rushworth, part IV, I, p.107). The fact that Glamorgan was released from custody proved to be damning. Cf., for example:

"...whereas...men should think the Marquêsse of Ormond abused, and cousened, by the King's giving that secret Commission, it is evidence enough, that ~~the~~ Marquêsse was privy to Glamorgan's Transactions, as well as Digby, seeing he and Digby have acted their parts equally in this rare Tragi-Comedy, both agreeing as easily to release Glamorgan (when the pageant was over) as they did to accuse and imprison him."

"The consideration of this, and the sudden enlargement of Glamorgan, together with the contents of his commission (now visible to the world) are sufficient to convince any man, that he did nothing but by authority from the King." (B.M., Coll. of Pamphlets, 1645-6, Mercurius Britannicus, March 16- March 23rd).

Many attacks have been launched on the character of Charles I, but it is difficult to see what else he could have done in this particular circumstance, whether he were innocent or guilty. What, as Horace Walpole observed, could they expect the man to do when his crown was at stake?<sup>1</sup> To vindicate Glamorgan was to lose the allegiance of his own supporters; to keep silent or to equivocate was no better. Charles may have been guilty, in so far as the good name of Glamorgan was concerned, but he made sure that Glamorgan should not suffer more serious hurt than personal humiliation. Neither Charles himself nor any member of the Council on his behalf, seems to have written to the Irish Privy Council about the publication of the Treaty in England; and Ormond's report of Glamorgan's arrest might well appear to have been their first intimation of it. The King and Nicholas replied to the report in separate letters on January 31st. Charles' official letter to the "Lord Lieutenant and Council" expressed astonishment at Glamorgan's pretensions, stated that he had been restricted to acting as Ormond's assistant and continued:

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1. Cf. "It requires very primitive resignation in a monarch to sacrifice his crown and life, when persecuted by subjects of his own sect, rather than preserve both by the assistance of others of his subjects who differed from him in ceremonials or articles of belief. - His fault was not in proposing to bring over the Irish, but in having made them necessary to his affairs. Everybody knew that he wanted to do without them, all that he could have done with them." (Neal, III, p. 225, n.).

"it is possible we might have thought fit to have given unto the said Earl of Glamorgan such a credential as might give him credit with the Roman catholiques, in case you should find occasion to make use of him.....",

and further on,

"This is all, and the very bottom of what we might have possibly entrusted unto the said Earl of Glamorgan in this affair.....".<sup>1</sup>

Phrases like "such a credential as might" and "possibly entrusted" might be used about a mere letter of introduction, hastily scribbled down, but seem curious when applied to six more or less formal commissions.<sup>2</sup> From whatever motive, Charles was surely skirting the truth.

Evidently feeling that he owed Ormond a personal explanation, Charles wrote to him under cover of his official letter. He again employed some significant phrases:

"Ormond, I cannot but add to my long letter, that on the word of a christian, I never intended that Glamorgan should treat anything without your approbation, much less without your knowledge....".<sup>3</sup>

speaking of his distrust of Glamorgan's capacity,

"which you may easily perceive by a postscript in a letter of mine to you, that he should have delivered you at this his last coming into Ireland; which if you have not had, the reason of it will be worth the knowing...";

of Glamorgan's arrest,

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1. Carte, VI, pp.347-9.

2. Even if two of them were forged, four had still to be accounted for.

3. Ibid.V, p.16; Cl.S.P., I, p.300.



"And albeit I have too just cause, for the clearing of my honour, to command (as I have done) to prosecut Glamorgan in a legall way; yet I will have you suspend the execution of any sentence against him untill ye informe me fully of all the proceedings. For, I believe, it was his misguyded zeall, more than mallice, which brought this great misfortune on him and us all".

The first statement is quite categorical and the foundation of S.R. Gardiner's case. It is, however, inconsistent with what follows. Having failed to recall in the covering letter that he had issued Glamorgan with commissions, Charles distinctly remembers the postscript to a letter written over twelve months before. An achievement of memory of this kind must have some explanation; and the most likely one is that he had appended the postscript for the very purpose of invoking it later if the need should arise. This explanation is supported by a statement made to Clarendon sixteen years later by Glamorgan. It had been arranged, he said, that if news of his negotiations should leak out prematurely Charles should have "a starting-hole" from which to disclaim all knowledge of them.<sup>1</sup> Charles' insinuation that Glamorgan might have suppressed the postscript letter rings false. Considered alongside his bidding to suspend sentence against Glamorgan, these three extracts leave little doubt that he intended to clear himself of connivance with Glamorgan, while insuring his release.

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1. Cl.S.P., II, pp. 201-3.

It is at last clear that the maximum sin of Glamorgan was "misguyded Zeall".

Nicholas dispatched letters to Ormond and to the Council simultaneously. Both confirm this conclusion, and reveal, incidentally, the Secretary's ignorance of Glamorgan's commissions.<sup>1</sup> Charles denied issuing the patent of March 12th,<sup>2</sup> and wished Ormond to be informed that Lord Herbert had no right to the title of Earl of Glamorgan. The significance of this request seems to have escaped notice and yet it is one of the few occasions when Charles is not merely blurring the truth, but definitely lying; for he himself had frequently employed the title in his despatches to Glamorgan.

According to Rinuccini Glamorgan had written to Charles during his imprisonment.<sup>3</sup> There is no trace of such a letter, but soon after his letters to Ormond, Charles was writing to Glamorgan on the 3rd February:

"Glamorgan, I must clearly tell you, bothe you and I have been abused in this business; for you have beene drawn to consent to conditions much beyond your instructions and your treaty hath been revealed to all the world. If you had advised with my Lord Lieutenant (as you promised me), all this had beene helped. But we must look forward. Wherefor in a word I have commended as much favour to be showed unto you as may possibly stand with my service or safty; and if you will yet trust my advice (which I have commanded Digby to give you freely), I will

1. Carte, VI, pp. 349-52.

2. Ibid., p.350. In spite of the fact that it was written in Charles' own hand. (Lingard and others).

3. Embassy, p.150.

"bring you so off, that you may be still useful to me: and I shall be able to recompense you for your affection..." 1

The reference to exceeding his instructions and failing to consult Ormond would appear to substantiate Gardiner's theory but Gardiner did not take into account both the fact that this letter was to pass through Digby's hands<sup>2</sup> and therefore could not be an overt expression of approval of Glamorgan, and the implications of other phrases used. The general tenor of the letter is, in any case, by no means unfavourable to Glamorgan. If he had flagrantly contravened his instructions - and failure to act under Ormond's aegis, if that were indeed his duty, was an outrageous offence - why did Charles merely say 'we have both been abused', why did he not upbraid him as a disobedient and disloyal subject? The only explanation would seem to be that Charles had no real cause for complaint against Glamorgan.

This conclusion is strengthened by the contrast between the above letter and that which Charles sent to Glamorgan by private messenger:

"...I am confident, that this honest trusty bearer will give you good satisfaction, why I have not in everything done as you desyred; the want of confidence in you being so far from being the cause thereof, that I am every day more and more confirmed in this trust, that I have of you. For, believ me, it is not in the power of any to make you to suffer in my opinion by ill office..." 3

1. Dircks, p.134.

2. Birch, p.358.

3. Ibid., p.359.



In another letter Charles wrote:

" Herbert, as I doute not but ye have too much courage to bee dismayed or discouraged at the usage ye have had; so I asseure you, that my estimation of you is nothing diminished by it, but rather gets in me a desyre of revenge and reparation to us bothe, for in this I hould myself equally interested with you..." 1

These are scarcely the letters which a would-be absolute monarch might be expected to address to a subject who had flouted his instructions in a crucial affair of state. Apparently it is Charles who has not done "everything... as desyred." Furthermore, if Glamorgan can bear witness in his own case, Charles continued to correspond with him secretly and to place his best hopes in him.

One more argument advanced by Gardiner needs to be considered. This was that Charles assured Henrietta Maria that Glamorgan had exceeded his instructions. He cited two extracts from their correspondence to prove his point:

" March 3, 1646 - And now I come to answer the particular concerning the E. of Glamorgan... the same reason which made me refuse my consent to the establishing of the Presbyterian government in England, hath likewise made me disavow Glamorgan in his giving away the Church lands in Ireland, and all my ecclesiastical power there, besides my exposing all my friends to ruin, both being equally and directly against my conscience..."

" March 22 - I find that Sir Edw. Nicholas his gloss upon the Lord Glamorgan's business hath made thee apprehend that I had disavowed my hand 3

1. Ibid., p.361.

2. See below pp.547-8.

3. It is interesting to note that there is no reference to this, or for that matter any episode connected with Glamorgan, in the recent well-documented biography, Mr. Secretary Nicholas, by Donald Nicholas (London, 1955).

"but I assure thee I am very free from that in the understandings of all men here, for it is taken for granted the Lord Glamorgan neither counterfeited my hand, nor that I have blamed him for more than not following his instructions, as Secretary Nicholas will more at large show thee." 1

Assuming that Charles wrote honestly to his wife Gardiner claimed that here we have incontrovertible proof that Glamorgan had no right to act independently of Ormond.

Gardiner claimed too much. It is just not true that Charles explicitly accused Glamorgan of disobeying his orders; on the contrary, it would seem that he was very careful to avoid doing so. The remark, 'the Lord Glamorgan (sic) neither counterfeited my hand', is particularly interesting, for it shows that Charles had no <sup>n</sup>intention of casting doubt on the validity of Glamorgan's commissions.

But the basic weakness of Gardiner's argument is the assumption that Charles was always frank with his wife. No one would deny that Charles was very fond of Henrietta Maria nor that he confided in her a great deal. This does not mean, however, that he always told ~~the~~ her the truth. It seems quite clear from an analysis of their correspondence in the year 1646<sup>2</sup> that Charles shrank from the Queen's criticism of his behaviour.<sup>3</sup> Frequently he apologised for having neglected

1. E.H.R., pp.707-8.

2. Cf. John Bruce, Charles I in 1646, Camden Soc. (London, 1856).

3. Cf. "Indeed, it would have broken my heart, if thou had thought me wilful, as everyone here doth." Again: "For if she once should openly condemn me for wilfulness, but in one point, I should not be able to support my daily miseries." And again: "that I shall not be in any kind lessened in thy opinion, which is the only thing that can make him truly miserable who is eternally thine."

to consult her or to follow her advice. It would not be at all surprising, therefore, if he withheld information about Glamorgan's negotiations either because he had not taken her into his confidence from the beginning or because he could not bring himself to confess to a serious mistake. Subsequently she strongly criticised him for having abandoned his principles in discussions with the Scots;<sup>1</sup> she was unlikely to have criticised him less for allowing Glamorgan to tender his particular concessions to the Confederates.

Moreover, there are two quotations from Charles' letters which tell against him:

"Oxford, March 16th,

... and yet I believe I did well in disavowing Glamorgan (so far as I did) " 2

and:

" Newcastle,

As for the things of the 12th July accuse me of, I only say this; I believe the Queen will find upon good examination that I have not erred, unless it were concerning Ormond, for which I have since amends." 3

There is something odd about the Queen's obvious anxiety to know more about the Glamorgan affair and the King's equally obvious anxiety to avoid giving her a straight answer.

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1. Ibid., xxi; cf. also "I know the pains you are suffering and so great is my compassion that it causes me suffering no less than your own. But since we have thus suffered, we must resolve to go through with it with honour."

2. Ibid., p.25.

3. Ibid., p.55.



At about the same time Glamorgan's hopes had soared high only to be cast down, a gentleman, by name Allan Boteler, had left Oxford bound for Ireland carrying despatches from Charles to Ormond. In order to avoid falling into the clutches of an enemy patrol on the Welsh border he took refuge with the Marquis of Worcester at Raglan Castle. His narration of his encounter with the Marquis is quoted at some length, for it has a bearing on Charles' guilt or innocence

"... and in the first place my Lord asked me whether in my despatches I had any letters from his Majestie to his sonne, Glamorgan. I answered not that I knew of, but there might be within the Lord Marquess of Ormonde's. On that I delivered to his Lordship his Majestie's most gracious and comfortable message concerning my Lord his sonne with thanks for their former loyall expressions. (That message I will remember, and soe will his Majestie, I haveing sett it down soe soon as I went out of the bed-chamber). Unto which my Lord Marquesse answered that it was the grief of his hart that he was enforced to say that the King was wavering and fickle, and that on his Majestie's last being there he lent him a book to read in his chamber, the beginning of which he knowes he read, but if he had ended it, it would have showed him what it was to be a fickle Prince. For it was not enough, said his Lordship, to suffer him the Lord Glamorgan to be unjustly imprisoned by the Lord Marquesse of Ormonde for what he had his Majestie's authority for, but that the king must in print protest against his proceedings and his own allowance, and not yett recall it. But I will pray for him, and that he may be more constant to his friends, saith my Lord, and soe soon as my other imployments will give leave, you shall have a convoy to fetch securely your despatches..."<sup>1</sup>

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1. Gilbert, V, Preface, X-XI. This extract seems to indicate that the Marquis of Worcester knew about Glamorgan's negotiations in Ireland.

The main events and the documents relevant to the Glamorgan Treaty have now been examined, and, as far as possible, interpreted. It remains to consider whether they can reveal a satisfactory answer to the essential question - whether or not Charles I gave the Earl of Glamorgan secret powers to treat with the Confederates.

Since the middle of the eighteenth century no one has accepted the arguments of Carte and others, who claimed that Glamorgan forged all his commissions. At the same time, neither the reasoning nor the solutions of Birch and Gardiner are valid. Birch's assumption that Charles gave Glamorgan secret powers to conclude a peace with the Confederates is justified, but his belief that Glamorgan accurately interpreted the King's instructions is false. Gardiner is justified in saying that Glamorgan misinterpreted his powers, but wrong to presume that his error lay in failing to act under the orders of Ormond. The argument outlined by Gardiner has, it is hoped, been disproved pari passu. There remains the more formidable case of J.H. Round, who arrived at Gardiner's conclusion by a different route. Unlike Gardiner, he maintained that the key commissions were forged. Thus, while he agreed ultimately that Glamorgan was sent to Ireland in the role of assistant to Ormond, he <sup>could</sup>~~can~~ not believe that the warrant of March 12, 1645, which he produced as his authority to arrange a peace did "not contemplate any action independent

of the Lord Lieutenant"; on the contrary, he believed it to have been forged by Glamorgan for the "express purpose" of permitting himself independent action.

Round's theory was briefly this. Charles instructed Glamorgan to assist Ormond in the negotiations with the Confederacy in the belief that he would find it easy to convince his co-religionists of his King's good faith. However, when Glamorgan got to Ireland, he found the negotiations at a standstill because of Ormond's refusal to grant "abolition of the jurisdiction of King and clergy, and retention of the churches". To him these seemed small matters in the light of the King's desperate need for military aid. So he concocted a commission which would seem to give him absolute powers to concede the two troublees some religious concessions, independent of Ormond.<sup>1</sup>

The arguments used by Round to justify this theory are examined in detail elsewhere and rejected.<sup>2</sup> Some doubt must always remain. Even so, it can be stated that while the objections raised against the King's use of Glamorgan as a secret envoy have been refuted, the weight of evidence appears to support it.

On the basis of the evidence here assembled the sequence of events may be reconstructed tentatively as follows.

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1. Peerage and Family History, pp.396-434.

2. See below app.1.



On April 1st, 1644, Charles I appointed Glamorgan, a Catholic whose qualifications seemed specially suitable, Commander-in-Chief of a combined force of 10,000 Irish troops, which he counted on receiving as the outcome of the Oxford peace negotiations, and any foreign troops which it might be possible to recruit in addition. When these negotiations ended in failure he still instructed Glamorgan to proceed with the project of raising an army, and to that end Glamorgan spent many months in South Wales collecting money and military supplies. Meanwhile he commanded Ormond to resume discussions with the Confederates in order to prevent them from taking up arms once more and invading the Pale.

Ormond requested that he be allowed to resign and this transformed the situation. It was already quite clear that the maximum terms Ormond could be persuaded to offer the Confederates fell far short of their minimum demands, and that he would not take part in the covert negotiations which Charles judged to be necessary in order to secure Irish support. Inconvenient though Ormond's scruples might be, his departure from Ireland would be far more so. Charles therefore pointed out to him in a series of letters, that aid from, and consequently peace with, the Confederates was essential if the royalist cause was to triumph, and as an inducement to him to remain he extended the terms to be tendered to the Confederates, even though he knew them to be still inadequate.

For he now had a further motive for persevering with Ormond and the public negotiations; he had decided to send Glamorgan as a secret envoy to the Confederates, and wanted to insure that no one knew about it. Ormond's open discussions were to be a cover for Glamorgan's secret negotiations.

Charles may have reasoned that his only likely source of external aid was Ireland, but that the Confederates would not assist him unless offered terms which would be condemned alike by Ormond and his own supporters. He must therefore deal with them in secret, and obtain aid without arousing suspicion by continuing with the public negotiations in Dublin. Any odium incurred through using Irish troops in England and making lavish concessions to Catholic rebels would be forgotten in the flush of victory. Should the war be lost, even with their aid, it would have been worth the attempt. In brief there was everything to be gained and nothing to be lost by coming to terms with the Confederates. Details and unpleasant problems could be shelved until victory was won. It only remained to select a suitable intermediary.

Glamorgan would come to mind as the right man for the mission; if indeed he had not already volunteered for such a task. Charles knew him to be quixotic enough to risk any danger, and suffer any penalty, for his King and his religion, and a man was needed who would keep faith at all costs. To conceal the real object of Glamorgan's impending

discussions with the Confederates, Charles pretended to send him primarily on his own business and, only secondarily, as an unofficial assistant to Ormond. As a precaution against failure he prepared an elaborate deception, one part of which he probably concealed from Glamorgan himself. He left "a starting-Hole", as Glamorgan later described it, from which to save himself should Glamorgan be prematurely unmasked. First, he appended a postscript to his letter of recommendation to Ormond, in which he disparaged Glamorgan's ability, and which he could later invoke as proof to Ormond that he had not abused his vice-regal authority. Secondly, he arranged that Glamorgan should not implicate him under any circumstances. The improper form of the commissions themselves would conveniently support the deception, for they were to be witnessed by no one save Charles and Glamorgan, and perhaps the latter's secretary. Whatever happened Charles foresaw no difficulty in exculpating himself.

When Glamorgan arrived in Ireland, he informed Ormond that he had come to raise an army and to help him in the negotiations. This was in order to account for his impending close dealings with the Confederates. He did not show him any of his commissions. Ormond promised support for what must have seemed to him a vital mission, although he may well have suspected that Glamorgan carried other instructions from the King.



Then came the premature announcement of the Treaty, Glamorgan was arrested and charged with high treason, Ormond interviewed him, was shown one of the commissions, was convinced, if not immediately then upon reflection of its authenticity, and released him. Glamorgan kept faith with the King, in so far as he could, resolutely refusing to implicate him during a protracted inquiry, and eventually showing Ormond only sufficient proof to <sup>establish</sup> ~~attest~~ his innocence. Even that disclosure was forced upon him, for he believed that his continued imprisonment was likely to be more harmful to the King's cause than breaking silence. Before a message could arrive from the King ordering his release the Confederates might change their minds. Worse still, Chester, the only port still open to receive the troops might fall.

Henceforth Ormond disapproved of Glamorgan's aims but would not interfere with his activities. The King, meanwhile, unaware of Glamorgan's release, had to clear himself while insuring that no harm befell Glamorgan. Accordingly he published a statement of repudiation for the benefit of his friends and supporters and dispatched a letter to Dublin invoking the carefully prepared postscript to prove he had not empowered Glamorgan to make peace, but at the same time, ordering Ormond to suspend proceedings. Neither Charles nor Ormond ever re-opened the case against him.

Charles wrote to Glamorgan, censuring him mildly in one letter passing through Digby's hands and in a second thanking him for his services and apologising for having had to disavow him. At the same time he insinuated a note of criticism. From Charles' point of view it was probably true that Glamorgan had been rash. It has been noticed that his commissions did not restrict him to offering specific terms. Charles must therefore have discussed proposals with him in a general way. Unfortunately, Glamorgan was by nature given to exaggeration and splendid gestures and it was his way to cut any Gordian knots that he encountered. In any case it was not uncommon for a servant of Charles to be confused by his instructions. Strafford had hinted at dissatisfaction with the vagueness of the royal policy towards Ireland<sup>1</sup> and on several occasions Ormond had pleaded for definite commands.<sup>2</sup> To one such plea, indeed, Digby had advised him not to expect clear directives from England but to act in all things as he saw fit.<sup>3</sup> It is not in the least surprising that Glamorgan with his romantic imagination and less insight than most should have overshot the mark. In any case, Charles was only annoyed because the plot had miscarried.

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1. Cf. C.V. Wedgwood, Strafford, p.222.

2. See above pp. 241-3.

3. See above p.242.

From the outset Charles apprehended failure, which explains why he took such pains to guard against being implicated in the giving of concessions to Catholics. Nor is it necessary to believe that he had much respect for Glamorgan's ability. It seemed worthwhile to sponsor the mission for if the likelihood of failure was great, the risk was slight. It is to be emphasized that he was also seeking foreign aid through Henrietta Maria who had sent Kenelm Digby to the Pope on his behalf, that he had not discouraged Fitzwilliam's mission, that he had <sup>twice</sup> commissioned Antrim to command Irish Catholic troops, Ulstermen at that, ~~twice~~ on his behalf, and that the crossing to Ireland was the highroad for petitioners and careerists galore. Charles was prone to countenance the wildest schemes without bothering himself overmuch with the details of their operation.

It is informative at this stage to compare Glamorgan's part in the relations between Charles and the Confederacy with that of the Marquis of Antrim, especially with regard to the contrasting treatment which they received at the Restoration. Both had influential connections in England and Ireland, both were Catholics, both assured the King they could conciliate the Confederates and obtain troops for service in England, both eventually became closely associated with the government in Kilkenny and field commanders, both sought to justify their actions to



Charles II by claiming that they had loyally obeyed his father's instructions, and, finally, both fought almost alone against a battery of enemies to clear ~~their~~ names. There the parallel ends, for whereas Antrim successfully exonerated himself, Glamorgan failed.

However, when we turn to Charles II's final ruling on Antrim's petition to be restored to his estates, we find that it reads like a defence of Glamorgan's mission:

"Our Lord Referees, upon severall meetings and perusall of what have been offred to them by ye Ld. Marquesse, have informed us, that they have seen severall letters, all of ye handwriting of our Royall FFather to ye Ld. Marquesse, and severall instructions concerninge his treating and joyneing with ye Irish, in order to the King's service, by dividing them amongst themselves, and by draweing forces from them for ye service of Scotland. That besides ye letters and orders under his Majies hand, they have received sufficient evidence and testimony of severall messages and directions, sent from our Royall FFather, and from our Royal Mother, with ye privity and by the directions of ye King our FFather, by which they are persuaded that whatever intelligence or Correspondence the Ld. Marquisse had with ye Confederate Irish Catholiques, is directed or allowed by ye s<sup>d</sup> letters, instructions, and directions, and that it manifestly appears to them that he King our ffather was well pleased with what ye Marquisse did after he had don it, and approved ye same".<sup>1</sup>

This reflected the finding of the council of inquiry:

"... what he (Antrim) did by way of correspondence and compliance with the Irish, was in order to the service of the late King, and warranted by his instructions and the trust reposed in him, and the benefit thereof accrued to the service of the Crown and not to the particular advantage of the Marquis".

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1. Somer's Tracts, V, p.62<sup>5</sup>; Hill, p.469.

Clarendon, who knew that Ormond wished to see Antrim punished, wrote to Ormond:

"I know not whether you have yet received the King's letter about my lord Antrim, of whom you know I was never fond. But really upon examination of that whole affair, I know not how he can be destroyed with any shadow and colour of justice; except you have something there against him which we do not know; and then it is as strange, that you have never sent the information to us; for we know the King was not more inclined towards him than law and justice required".<sup>1</sup>

Finally, Charles II himself wrote to Ormond:

"And the Queen asks how the King can refuse the like certificate for the Marques? When not only all the King's letters are produced, but what else was done, was by her order upon the King's instructions to her".<sup>2</sup>

Against this background Glamorgan's mission ceases to be something to which Charles I gave close attention. Glamorgan promised relief. Very well, let him try and get it. But Charles did not probe deeply into the methods to be used.

Nor is it necessary to believe that he would have confirmed the concessions made by Glamorgan had the troops duly arrived in England. Probably he would have whittled them down until they were no more generous than those offered by Ormond after Naseby, on the plea that his Protestant Councillors would not endorse them.

Charles was tempted to support any scheme no matter how

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1. Ibid., p.296.

2. Ibid. This statement was all the more remarkable considering the attitude of Antrim when he went to Paris to see Henrietta Maria as a delegate of the Confederacy in 1648. See below pp.662-3.

light-minded especially if he could escape any unpleasant consequences. The theory of sovereignty to which he clung enabled him to intrigue with the Irish at one moment, the Scots the next, to exploit the generous loyalty of such as Glamorgan, to dissimulate and prevaricate even in letters to Henrietta Maria, while invincibly sure that what he did was both necessary and right.<sup>1</sup>

As at the beginning of this inquiry, Clarendon provides a fitting commentary. Reflecting on the King's misplaced trust in George Digby he observed;

"The King himself was the unfittest person alive to be served by such a counsellor, being too easily inclined to sudden enterprises, and as easily amazed when they were entered upon."<sup>2</sup>

Publication of the Glamorgan Treaty damaged Charles' reputation but it scarcely impaired his already

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1. Charles habitually saw no wrong in duplicity so long as it was practised by himself. His remark to Prince Rupert has been quoted already: "As for the Irish [I] assure you, they shall not cheate me; but it is possible they may cossin themselves" (see above p.300). There are many other examples. Cf. his letter of Jan.18, 1646, to his wife. After admitting that he had given Parliament "leave to hope for more than he had intended" he referred triumphantly to the way the words in his message had been couched (Bruce, Charles II in 1646, XXVII-XXVIII). Again, commenting upon a message relating to Ireland: "... for I much desire thy opinion concerning Ireland; and yet I have so penned that article, that if the Irish give me cause, I may interpret it well enough for them; for I only say that I will give full satisfaction as to the managing of the war, so that if I find reason to make peace, there my engagement ends!" (ibid. p.84).

2. Great Rebellion, IV, p.129 II, p.485.



desperate position. His ~~remaining~~ English supporters remained faithful and he had received virtually no assistance from Ireland even when his promises had been accepted as sincere. In any case, both sides at Kilkenny assumed that his disavowal of Glamorgan had been made under duress and that Glamorgan had obeyed his instructions. Where they differed was over the action to be taken in the future. The Ormondists argued that the King's good intentions as conveyed to them by Glamorgan were ample security for religion. The Nuncioists insisted that good intentions were worthless; what the King had repudiated once he could repudiate again.

Surprisingly the Glamorgan Treaty continued to be used for some time as a focal point of negotiations while Glamorgan himself went on planning and discarding further schemes and enduring more vicissitudes. Charles also continued to place at least some reliance upon him. But the troops, which had cost him so much money and personal distress, were never embarked.

## Chapter XII

### The First Ormond Peace, March - July, 1646.

Ormond had rejected Glamorgan's proposal to prolong the current truce until June for several reasons. One was that the King's plight demanded an earlier remedy. Another was that he needed money desperately to support his army and could not possibly maintain it for an extended period. Glamorgan tried to overcome this second objection by guaranteeing to provide £2,500 immediately and a further £2,500 on May 1st. He also tried to commit Ormond by warning him that the Council was determined not to arrange a treaty unless he joined with them against the Scots.<sup>2</sup> Simultaneously, he asked the Council to agree to an extension of the truce and persuaded them to offer to maintain Ormond's army on condition that he declared against the Scots by a specified date.<sup>3</sup> Ormond managed to avoid an outright rejection of their offer by obtaining a promise from the Peace Commissioners of £3,000 before April 8th<sup>4</sup> and by getting the treaty arranged at once.

The Council had pledged <sup>themselves</sup> on February 16th not to conclude a treaty before consulting Rinuccini. It is all the more astonishing that they should not only have broken the agreement

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1. T.C.P., XVI, p.388.

2. Ibid., p.399.

3. Ibid., p.401.

4. Mar.28, ibid., XVII, p.15

but that they should have broken it so soon, for the treaty was signed on March 28th.<sup>1</sup> There were two possible explanations for their haste: first, they were convinced that the Rome treaty would never arrive and saw no harm in anticipating May, 1st; secondly, sticking rigidly to the King's instruction to obtain aid before April 1st or not at all, Ormond threatened to abandon negotiations altogether. Certainly it may be inferred that Ormond adopted a strong line, for just before the treaty was signed he made a note of the concessions which he was prepared to make and the unhappy consequences if the Confederates were to reject them:

"...then his Majestie now longer kept in hope of the advantages he hath hitherto promised himself by a Peace here, and soe he will be at liberty to propose to himselfe and prosecute such other ways of preserveing Peace. And if what shall be now offered come so far short of satisfieing that it will not soe much as divide the Irish. I conceive if he give them up a sacrifice to his own safty, the sin of their extirpation will be equally shared betweext the Parliament, that covet their land and thirst for their blood and themselves that will accept of noe conditions but such as for noe earthly consideration his Majestie can graunt, nor any honest Protestant Minister of his can be an instrument to convey unto them, whilst his Majestie, thus prest on the one hand and his offers on the other not only rejected but raising continual prejudices upon him, shall be cleere to God and the world."<sup>2</sup>

The treaty was formally signed on March 28th by Ormond in the King's name and by Mountgarrett, Muskerry, Sir Robert Talbot, Dermot O'Bryen, Patrick Darcy, Geffrey Brown and John Dillon on behalf of the Confederacy. It consisted of thirty articles

1. In a pamphlet by Dr. Walter Enos, published in the next year, one reason for condemning the treaty was "the serruptitious and clancular concluding of peace contrary to promise made to the Lord Nuncio." (see below ~~pp.~~ p. 591).
2. T.C.P., XVI, p. 358.



arranged in no particular order. Five rough divisions could be distinguished; political, agrarian, religion, enforcement of the peace, safeguards against reprisals. Politically, the Confederates obtained the right to hold public office and to sit in a free parliament. The question of the application of Poyning's Law (clauses 2 and 11) was not specifically mentioned but it might be assumed that it was to be rescinded. Titles to land in Connaught, Clare, Limerick, Tipperary and the district of Thomond were to be confirmed, while rights to the lands in Kilkenny and Wicklow forfeited to the Crown as the result of Strafford's inquiries were to be adjudicated in a free Parliament. Over religion, the main issues in dispute were simply ignored. Thus, Catholics would no longer be obliged to take the oath <sup>/of supremacy but an oath</sup> of allegiance instead, and the penalties previously inflicted upon them for practising their religion were to be removed. That was all.

As regards acts committed since the rising there was to be a general pardon except in the case of murder. Finally, plans were laid down for the administration of the country by the Lord Lieutenant assisted by Commissioners of Trust nominated by the Confederacy between the date when peace was formally declared and the restoration of normal government.<sup>1</sup>

By the terms of an additional agreement the Confederacy was bound to transport ten thousand troops into England, six thousand by April 1st and four thousand by May 1st. Failure

to despatch these troops in the absence of some compelling reason would invalidate the whole treaty. Pending their despatch the original copy of the treaty was to be kept in the hands of Clanrickard. Under no circumstances was it to be published before May 1st.<sup>1</sup> On his side, Ormond promised to appear in the field against anyone who invaded their quarters before the Treaty was published.<sup>2</sup>

To most Royalists this agreement was very pleasing. As Ormond informed the King with rare undertones of satisfaction:

"... all- matters of religion are submitted to your majestie; in other things your regall power is preserved, and your majestie is obleeged to nothing, vnless you be assisted in the proportion and tyme sett down in your letter of the first of December last..."<sup>3</sup>

None the less several councillors remained so blinded with hatred for the Irish Catholics that even these terms stuck in their throats.<sup>4</sup>

The Ormondists also had cause for gratification. They had settled, broadly speaking, for precisely those concessions they had requested at the beginning of the Rebellion. The Court of Wards was to be abolished, they would be able to educate their children as they wished, and they would have the opportunity to become judges and councillors of state. In brief, they would enjoy the same privileges and prosperity as their

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1. Gilbert, V, pp. 308-10.

2. Mar., 30, T.C.P., p.18.

3. April 7, Carte, VI, p.368

4. Cf. Ormond to Digby, April 5, Carte, VI, pp.365-6: "...the suply of the King and this defeasance, making it a condition of the peace, were the main arguments, indeed the only, that could beat down the obiections of those that found fault with diuers of the articles;..."

ancestors in the sixteenth century. To be just, it must be added that they sincerely hoped to protect the wider interests of the Church through the King's confirmation of the Glamorgan Treaty.

From the point of view of the Old Irish and the Church the terms of the treaty were wholly unacceptable. Even today, a contemporary Catholic historian felt their inadequacy so strongly as to describe the treaty as:

"the black betrayal by which the interests of the Catholic Church and of the Old Irish were delivered into the enemy's hands to purchase the security of the Anglo-Irish gentry."<sup>1</sup>

This is too summary a judgement. Even so, it should have been no surprise to the Ormondists when the majority of their countrymen violently rejected the treaty when it was eventually announced on July 31st.

But if the terms of the treaty appeared to be so favourable to the Royalists in the short run they were worthless. When Ormond sent commissioners to inspect the force supposedly assembled at the ports they found that the troops had dispersed. Nor did Ormond receive the money which he had been promised by the stipulated date.

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1. Coonan, p.219.

2. ~~Of. "However, the peace was concluded, part of the Irish army brought to Waterford, and intended to relieve Chester, but no ship or necessities provided for their transport which the E of Glamorgan promised, so that the delay caused the surrender of Chester." (Flunket-Dunne MS., p.802).~~



The failure to send troops to England was due to many reasons beyond the control of the Supreme Council. In the first place, Glamorgan had not obtained shipping, although he had contracted to do so.<sup>1</sup> Secondly, the fall of Chester and the absence of any assurance that the troops would be supported by Royalist cavalry made it too dangerous to risk a landing on English soil.<sup>2</sup> These were such sound reasons that Digby felt compelled to support them.<sup>3</sup> None the less, there is some evidence that the troops themselves refused to sail under such inauspicious conditions and that this may have been the decisive factor.<sup>4</sup>

For the failure to supply the promised money Glamorgan again bore at least some responsibility. Apparently he had borrowed from the French agents £2,500 which he had contracted to give to the Supreme Council for transmission to Ormond. When

1. Cf. "However, the peace was concluded, part of the Irish army brought to Waterford, and intended to relieve Chester, but no ship or necessities provided for their transport which the E of Glamorgan promised, so that the delay caused the surrender of Chester." (Plunket-Dunne MS., p.802).
2. Muskerry to Ormond, April 3, T.C.P., XVII, p.32.
3. Digby to Ormond, April 3, Carte, VI, pp.363-5; see also same to the same, April 7, ibid., p.369.
4. Cf. "Besides they are so daunted by the Prince of Wales his disaster and flight as they term it to Scilly, that they do in a manner mutiny against their going, as apprehending themselves sent to sacrifice unless there may be more certainty for a secure landing place for them and of a conjunction of horses on the other side..." (ibid., p.364). It is also curious that Muskerry sent a letter to Ormond asking him to order his commissioners to muster the troops on the very same day that he gave lengthy reasons why the troops could not sail (T.C.P., XVII, p.34).

2. This was planned by Digby with Ormond's agreement, see below p.803.

3. *Annals*, pp.156-7.

asked for it, however, he prevaricated for several days, then finally admitted that he no longer had it.<sup>1</sup>

In two respects the Supreme Council tried to be helpful in answer to Ormond's requests. They provided 300 troops as a guard for the Prince of Wales who had been sent for safety to the Scilly Isles.<sup>2</sup> They were also favourably disposed to sending assistance to Montrose and the hard-pressed Royalists in Wales, but could not overcome the opposition of Rinuccini, who strongly disapproved of such aid.

It is as usual difficult to find fault with the reasons given by Rinuccini for his opposition. His chief argument was that the Confederacy needed to conserve all its strength so that when Ormond was forced to give up Dublin they would be poised to seize it before Parliament could do so. He was still prepared to unite with Ormond against both the Scots and the Parliamentarians, however, provided Ormond was considered solely as an ally.<sup>3</sup>

In the event, he was able to have the troops earmarked for England transferred to the siege of Bunratty. Thus the assembling of the nucleus of an army in the area of Waterford proved to be the nearest the Confederates ever got to sending aid to England.

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1. Ibid., p.70; the information was given by Fennell to whom Ormond had complained about their failure to provide the money (ibid.).

2. This was planned by Digby with Ormond's blessing; see below p.513.

3. Embassy, pp.166-7.

Rinuccini's dislike for and distrust of "the creatures" of Ormond, as he described them, had steadily increased until, by the end of March, he was viewing all their actions in the worst possible light. His annoyance had first been engendered by their flagrant packing of the Supreme Council and the various peace commissions sent to Dublin, which he singled out as the primary cause of the "turbulence and misery of the kingdom." The series of truces arranged to please Ormond seemed to him particularly misguided since they:

"interrupted the course of victory, checked the first ardour of the people, and wasted the means which should have been employed against the Puritans."

He believed that large sums had been donated to Ormond to the detriment of the Confederate armies.<sup>1</sup> The Ormondists were motivated by pure self-interest and cared not at all for the rightful claims of their religion. So long as they continued to be slaves of Ormond there was no possibility of achieving a national settlement satisfactory to the Catholic Church.

Rinuccini detested Ormond, whom he considered to be a cunning intriguer bent on furthering his personal ambitions and obstructing any agreement not arranged by himself. His instructions for trying to convert Ormond he had found to be useless, because the several intermediaries recommended were all for various reasons ruled out. The Bishop of Ossory

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1. The allegation that members of the Supreme Council lined Ormond's pockets was frequently made by the Old Irish. It is not born out by any evidence. Maybe it found its source in the help given to Ormond by such as Fennell to raise money from his estates.



was too old, Mountgarret incapable, and Richard Butler too unpractical.<sup>1</sup> Nevertheless, on his own initiative, he had asked Ormond through Dr. Fennell what he proposed to do should the King settle his differences with Parliament and consent to the destruction of the Irish Catholics. He had pointed out through various people the advantages to be gained from becoming a Roman Catholic.<sup>2</sup> Ormond replied cagily that he was prepared to adopt any honourable means to help the King but delicately avoided any reference to his proposed conversion. Fennell was to use this information cautiously as circumstances should require.<sup>3</sup>

The truth was that Rinuccini never envisaged the possibility of a favourable agreement with the Royalists after his first appraisal of the situation at Kilkenny. To Pamphili he suggested that such an agreement was likely only if the conflict in England were to end in the decisive victory of one side or the other. For his part, he would prefer the victory to go to Parliament.<sup>4</sup> While it was admittedly true that the King was more inclined to yield to Catholic pressure than Ormond, he was so inconsistent and so

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1. Report on the State of Ireland, Mar. 1, 1646, Embassy, pp. 132-47.

2. Com. Rin., 11, pp. 165-6. Embassy, p. 152.

3. Com. Rin., 11, pp. 166-7

4. Cf. "Therefore, I am disposed to believe that in considering the subject of religion, which grows and is purified by opposition, the destruction of the King would be more useful to the Irish."

untrustworthy<sup>1</sup> that having deluded the Confederates into disarming he might be induced by his Protestant ministers to wreak vengeance upon them for having started the rebellion. On the other hand, if the English Parliament were to triumph, all Irishmen would stand fast together. Many feared that the Kingdom would then be rapidly destroyed. He did not think so. Efficiently organised, ably commanded, and inspired by the will to victory, the Confederacy could give a noble account of itself provided it could rely on the support of its friends abroad.<sup>2</sup>

Rinuccini adumbrated this argument early in March at a time when he was anxiously awaiting the appearance of Sir Kenelm Digby with the Rome treaty and fearful lest the Ormondists should suddenly proclaim a settlement with Ormond. How far he intended it to be taken seriously, it is not therefore possible to say. But merely to muse in this way was obviously dangerous. Once the idea had been sown in his mind that it might not be a bad thing if the King were to be defeated, it is hard to visualise him supporting any movement aimed at obtaining victory for the King.

By May 1st, the date set for publishing the treaty, not one soldier had embarked for England. Afraid that Ormond would interpret the defeasance literally and now declare the treaty

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1. Even before leaving Paris Rinuccini had informed Pamphili that he had seen a document from Digby's captured baggage in which "The King feigns to be favourable to the Irish until his circumstances change."  
(*Embassy*, p. 60).
  2. *Ibid.*, pp. 145-7.

void, the Supreme Council sent Plunket to explain their difficulties to Ormond.<sup>1</sup> Ormond had agreed that it was not practicable to send the troops but had refused to consent to publication of the Treaty in the absence of fresh instructions from the King.<sup>2</sup>

May 1st was also the date which had been fixed at Kilkenny for reversion to the Glamorgan Treaty failing receipt of the treaty from Rome. The Supreme Council had become so apprehensive of the clergy's reaction to the impending announcement of the political treaty that they had decided they must publish Glamorgan's treaty simultaneously. When informed of this by Plunket, after the decision had already been taken to defer the political treaty, Ormond firmly pointed out that he would have refused to recognise the validity of Glamorgan's concessions.<sup>3</sup>

Both sides were evidently already distrustful of each other. Ormond had continued to press in vain for money, supplies and troops. In particular, he was concerned to obtain reinforcements for Lord Byron in North Wales, this being the

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1. Instructions for N. Plunkett, April 16, T.C.P., XVll, p.90; these included an offer to pay the rents of those Protestants who would support Ormond; see also further instructions to Plunkett April 17, *ibid.*, p.96.
  2. April, n.d., T.C.P., XVll, p.99. Plunket returned to Kilkenny about April 22; cf. Ormond's letter to Muskerry in praise of him, *ibid.*
  3. *Ibid.*; see also Ø. Gilbert (Bellings), VI, p.2



only remaining area of contact with England.<sup>1</sup> He was threatened, too, by the English and Scots Commissioners who had warned him in the middle of April against making peace with the Irish and had offered to discuss plans for strengthening Dublin.<sup>2</sup> Parliamentary ships were also ominously active in Dublin Bay.<sup>3</sup>

For their part the Confederates were alarmed by reports that Charles had surrendered either to the Scots or Parliament. On May 10th Plunket was instructed to return to Dublin and ask Ormond for a clear statement as to whether he would join with them if the King had indeed been captured and had declared for Parliament. In the meantime, they pressed for an immediate union of forces against the Scots. At the same time, they were obviously conscious of being in a strong position, for they wished Ormond to record in writing his recognition of the impracticability of despatching troops to England, and warned him that they would have to cease relying upon him if he continued to keep them in suspense.<sup>4</sup>

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1. Ormond and Digby both thought it necessary that two or three thousand troops should stand by for the possible relief of North Wales; cf. Ormond to Lord Byron, April 7, T.C.P., XVll, p.55, 2,500 troops ready; Ormond to Muskerry, *ibid.*, p.59, imperative that three thousand troops be kept in readiness; same to the same, April 27, T.C.P., XVll, p.142; same to the same, May, n.d., *ibid.*, p.151; Muskerry to Ormond, May 6, *ibid.*, p.172 - impossible to send the troops in the short time available.
  2. April 15, T.C.P., XVll, p.82; On May 3 the English and Scotch Commissioners sent him a safe-conduct for an agent to come and discuss with them. Ormond warned the Confederates that he was expecting the Scots to descend on them (*ibid.*, p.146).
  3. Ormond to Muskerry, May 6, *ibid.*, p.182.
  4. Muskerry to Ormond, *ibid.*, p.211; Additional instructions for N.Plunkett, *ibid.*, p. 221.

Presumably as an earnest of good will they instructed O'Neill to place his forces at Ormond's disposal for dealing with the Scots<sup>1</sup> and notified him that 2,000 weight of powder was ready for him.<sup>2</sup> But Muskerrey protested that it was not possible to send troops to relieve Byron in the short time available.<sup>3</sup>

The need to commit Ormond against the Scots in the light of reports that the King had been captured is evidenced by the fact that the <sup>U</sup>Concil got Clanrickard to write to him in support of Plunket's instructions.<sup>4</sup> This need almost certainly had as much to do with fear of Rinuccini as with fear of the Scots. What would he do when he heard of the treaty with Ormond? The vital thing was to insure that their military forces were already under Ormond's command when that time came. Even then, they again warned Ormond that they would have no choice but to stand by the Glamorgan articles.<sup>5</sup>

While Ormond was still considering his answers to Plunket, the news was confirmed of the King's surrender to the Scots.<sup>6</sup> Any definite commitments to the Confederates

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1. Muskerrey to Ormond, May 3, *ibid.*, p.172. O'Neill furnished Ormond with a statement of his forces on May 10th (*ibid.*, p.212), Ormond having warned him on the day previously of the danger from the parliamentary advance into Connaught.
  2. May 8, T.C.P., XVII, p.195.
  3. *Ibid.*, p.172.
  4. May 11, B.M., Add.MS. 42,063, pp.132-3.
  5. T.C.P., XVII, p.221.
  6. Charles to Ormond, April 3, Carte, VI, pp.361-3; see also Carte, III, p. 231.

must now be avoided until it could be seen how the situation in Ireland was to be affected by this unexpected development. So, temporising, Ormond instructed Plunket to report back to the Committee of instructions, then installed at Limerick, and to inform them that they could expect his answers by the end of the following week.<sup>1</sup>

The Committee was obviously impatient, for before Ormond had even prepared his answers Plunket had returned to Dublin proposing speedy publication. Plunket had again insisted that the Glamorgan articles must also be published and had made:

"...some other propositions of equall wildnes...wch I have extracted & herew<sup>th</sup> sent yr L<sup>ty</sup>, that yo may iudge how endless a Labour it is like to be to come to a conclusion w<sup>th</sup> men that sett no Limitts to their proposings."

None the less, he intended to give the best possible answers.<sup>2</sup>

These were conveyed to the Supreme Council by Barry and Sir George Hamilton.<sup>3</sup> Their gist was that a union of forces was out of the question until the King authorised it or until they agreed to publication of the Peace. Further, that they had caused him hardship by their failure to provide troops and to find money for the upkeep of Dublin, and that it was impossible to give any countenance to the Glamorgan Treaty in view of the King's rejection of it.

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1. Ormond to Clanrickard, B.M., Add.MS.42,063, p.148.

2. Same to the same, May 30, *ibid.*, pp.150-2.

3. Barry and Hamilton arrived at Limerick on June 7th; cf. Darcy to Clanrickard, *ibid.*, p.157,



Finally, that if they did not soon publish his own treaty he would be compelled in his extremity to look elsewhere for support.<sup>1</sup>

This strong line encouraged the Supreme Council to brave the wrath of the Nuncioists and declare their willingness not only to publish the treaty without reference to Glamorgan's articles but to send 1,000 troops for the relief of Carnarvon as soon as peace had been proclaimed.<sup>2</sup> Bellings' narrative<sup>3</sup> reveals that the Committee of Instructions which had been in session since the beginning of May at Limerick, where the Nuncio and the Council had gone to supervise the siege of Bunratty, had been anxious to take this action ever since Ormond had made his position clear to Plunket. But the Nuncio had vigorously opposed them and they had been constrained to give way.<sup>4</sup> Their Committee's decision was to be conveyed to Dublin by Plunket and Brown. Before they could depart, however, there was a clash with Rinuccini.

The non-arrival of Sir Kenelm Digby with the Rome Treaty

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1.T.C.P., XVll,p.247.

2.Instructions for Plunket and Brown, June 12, *ibid.*,p.276.

3.Bellings account of the period April-July is difficult to follow since he did not bother to date the events he described.

4.Gilbert (Belling), VI,pp.2-3. Rinuccini had two written two letters to the Council (*Com.Rin.*,II, pp.203-5,pp.212-15) protesting against an agreement with thOrmond. il. Much to his annoyance they had not replied but had he but known it they were duly impressed. He had also made two speeches to the Council (*Embassy*, p.177).

had weakened Rinuccini's authority<sup>1</sup> and made nonsense of his insistence that Ormond had been superseded as the King's agent in negotiations. Technically, moreover, there had been a reversion to the Glamorgan Treaty on May 1st. This meant that the Confederates were on the brink of subscribing to a political treaty containing few benefits in the faint hope of obtaining the King's eventual endorsement of Glamorgan's religious concessions which, in any case, were unsatisfactory.

When Barry and Hamilton had appeared, Rinuccini had suspected at once that the Council was resolved 'precipitately' to proclaim the peace. This had been the signal for him to despatch to the Supreme Council the document, signed secretly by the bishops in February, in which they had declared their opposition to the conclusion of peace before the arrival of the Rome Treaty. In two letters he forcibly justified his own opposition.<sup>2</sup>

These letters, so he believed, caused consternation in the Council and provoked a violent argument with the two bishops who were present. So abashed were the <sup>councillors</sup> ~~they~~, however, that they replied formally in writing that they would do

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1. Cf. Rinuccini to the Nuncio in France, May 3, "...it is impossible to tell you how prejudicial it has been to me that Sir Kenelm Digby has never forwarded the packet containing the signed articles of the Pontifical Treaty entrusted to him by Cardinal Pamphili; as evil disposed persons declare that I have acted without authority and delayed the peace for purposes of my own (Embassy, p.163).

2. June 8, Com.Rin., II, pp.219-20; Com.Rin., II, pp.222-4.

nothing without previously consulting him.<sup>1</sup>

In fact, the Council were thrown into consternation for another reason. They had never reckoned with such opposition and were genuinely shocked that Rinuccini should have suppressed the bishops' declaration for so long and sprung it on them with such suddenness. They also considered that it was proper to assume that they had had power to settle with Ormond after the Rome Treaty had failed to arrive by May 1st. Indeed, if the evidence of Bellings can be taken at its face value, they could not understand why Rinuccini was so annoyed.<sup>2</sup> At any rate, they intended to go on with the treaty.

But when Plunket and Brown went to take leave of the Nuncio and to ask for his blessing, and he finally grasped that the peace had already been concluded and it was now only a question of proclaiming it, the full storm broke. Rinuccini was incensed because they had slighted his opinions and insulted his office. He would neither give them his blessing - "nec benedico, nec benedicam vobis" - nor have anything to do with the treaty.<sup>3</sup>

Rinuccini described Plunket and Brown as mortified by his

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1. June 13, *ibid.*, pp.225-6, *Embassy*, p.178.

2. Gilbert (Bellings), VI, pp.3-4. The Council sent the Bishop of Limerick and Father Robert Nugent, Provincial of the Jesuits, to find out the reason for Rinuccini's indignation. Apparently they brought back the answer that he was annoyed because the Council had failed to reply to his letters(*ibid.*).

3. *Ibid.*, p.5; *Embassy*, pp.178-9.



justifiable anger, Plunket so shocked that he took to bed with a fever, and the Council stunned into admitting the error of which they had been guilty.<sup>1</sup> But Rinuccini exaggerated the effect of his magisterial rebuke. If he had one fault above all others, it was to equate the respect felt for his apostolic office with respect for his opinions, especially by the members of the Supreme Council. On this occasion, his error of judgement was to have serious consequences.<sup>2</sup>

His fulminations were conveyed to the Council by Browne and formally expressed in a letter which he himself sent on the following morning. The Council were so anxious to appease him that Bellings and eight others came as a deputation to explain that they had nothing but respect for his person and to plead the necessity of proclaiming the peace.<sup>3</sup>

A few days later Rinuccini insisted on appearing before the council-board in person.<sup>4</sup> Again he asked them not to conclude the peace before they had received the Pope's approval. In reply, the Council furnished many reasons why they should:

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1. Embassy, p.179.

2. Cf. Bellings' moralising on this subject: "...so it is no wonder he (Rinuccini) should be confident a people who, from the highest to the lowest of them, revered him with unusual respects, such as he had not seen in other nations, would have depended entirely upon his directions, and this probably was an encouragement for him to venture upon those high oppositions he gave the government." (Gilbert, VI, p.5.)

3. Embassy, p.179; Gilbert(Bellings), VI, p.5.

4. In Bellings' version (*ibid.*, p.6). It is interesting to note that the Committee of Instructions had been dissolved, settled(*ibid.*) the business for which it had been summoned. *being considered settled (ibid.).*

the King might make common cause with Parliament and the Scots against them; the intended peace was devised for the purpose of making possible a union with the Royalists - the major issues were to be settled later; in any case, the ecclesiastical conditions they had secured were substantial; they were fully determined to take to arms again, should any of the conditions be violated.<sup>1</sup>

Rinuccini was unimpressed by such considerations. In particular he exposed the emptiness of their promise to take up arms once more, seeing that they were trembling before Ormond even when he was bereft of men, money and materials. As far as Rinuccini was concerned, this riposte was unchallengeable, "silenced them completely", and obliged them to send Browne to Dublin with his instructions "entirely changed". Now he was merely to ascertain Ormond's intentions and to state plainly that until the King's precise wishes were known there could be no announcement of the treaty.

But Rinuccini was unhappy about the future. He hoped that the Council was not deceiving him. He had used many devices for eight months to delay the Treaty, but at last wearied of the struggle. He had abandoned hope of seeing Kenelm Digby, his powers of invention now failed him, and he had no spirit left for keeping up his opposition. Yet he would look to God for aid and comfort.<sup>2</sup> This mood of

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1. Gilbert (Bellings), VI, pp. 6-13.

2. Embassy, pp. 179-81.

pessimism was surprising, for his policy of reliance upon God, the Papacy, and the strength of the Irish in arms, had just apparently received glorious justification. In the middle of his controversy with the Council news had been received of a great victory won by O'Neill over the Scots at a place called Benburb.<sup>1</sup>

O'Neill's victory had not pleased the Ormondists. In their view it harbingered the ascendancy over them of the Native Irish, and made the proclamation of peace all the more urgent. In any case, whereas Rinuccini thought that he had convinced them, they themselves believed that they ~~ahad~~ convinced him. They were encouraged in this belief by his general demeanour as well as by his parting words at the end of their discussions: "Video ex ista pace multum posse provenire boni, multum autem mali, Deus providebit." Accordingly Browne and Plunket were despatched to Dublin with their original instructions.<sup>2</sup>

This misunderstanding between the Council and the Nuncio was to have fatal consequences for the Confederacy.<sup>3</sup> When peace was finally proclaimed each side blamed the other - indeed, Rinuccini believed that the Council had knowingly deceived him. The trouble seems to have been that it was

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1. News of the battle, which had taken place on June 5th, was received at Limerick on June 13th.
  2. Gilbert (Bellings), VI, pp. 13-4. Clarendon (Historical View p. 1048) claimed that Rinuccini gave his blessing to the two commissioners when they left for Dublin.



not possible to have frank and free-ranging discussions. Rinuccini evidently preferred declaiming to listening and he was in any case a formal sort of man. There was also the difficulty previously mentioned that the Councillors felt constrained to wear an outward show of deference in their dealings with the Pope's representative, which Rinuccini took to signify agreement with his point of view. Moreover, though all the Councillors knew Latin, it must have been a disadvantage to use it as the sole language of communication.

On their arrival at Dublin, Plunket and Browne were regretfully informed by Ormond that he could not give them his decision at once because he had yet to hear news from the King of the outcome of his flight to the Scots. In fact, Ormond had been seriously worried, for it seemed impossible to get in touch with the King. Eventually, he had begged Monro to give permission for a messenger to pass through his lines.<sup>1</sup> And on June 9th he had written to the King a long letter, opening with the remark that it was necessary to run the risk of its being intercepted.

This letter revealed that Ormond had little faith in the Confederates "who hould continuall intelligence & dangerous correspondence with forreine Nations, and have at this time amongst them ... a Nuntio from the Pope, & Agents from france and Spaine..." As the Confederates had

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1. T.C.P., XVll, p.254.

failed to fulfil all their obligations, the concessions made to them were null and void. The Parliamentary Commissioners had urged the necessity of entering into a treaty with them and indeed agents had been nominated. Apparently, however, news of the King's surrender at Newark had caused the Commissioners to leave Northern Ireland and so that particular treaty had come to an end. The Royalists were lamentably short of supplies, they no longer knew how to maintain the army, and Dublin was bound to fall into the hands of the Confederates or of Parliament. All that they could hope for now was:

"to keepe up some face of Government heere, for yor Majties Honor untill wee may receive your gracious pleasure."<sup>1</sup>

This letter was not sent immediately in the hope that Monro would issue a safe-conduct for a messenger, for which two more requests were made. In a personal letter, dated June 12, Ormond explained that there could be no peace without the King's express command.<sup>2</sup>

Monro had made no comment upon the matter of the safe-conduct, but had asked Ormond to join forces against O'Neill in the light of the disastrous defeat at Benburb.<sup>3</sup> So also had the Parliamentary Commissioners. Ormond and the Council had tactfully refused.

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1. T.C.P., XVll, p.269.

2. Carte, VI, pp.392-3.

3. ~~Ibid., pp.394-99.~~

By June 22nd Ormond decided that to communicate with the King was imperative. Accordingly, he despatched the letter of June 9th, together with a second letter describing the exchanges with the Scots. He pointed out how it had been necessary to prolong the truce with the Irish until July 13 and affirmed that it would be necessary to prolong it again beyond that date since his forces were in no condition to repel an attack on Dublin.<sup>1</sup> What Ormond really required from the King was a positive order to throw in either with the Scots or the Irish. For the time being he dare<sup>d</sup> show favour to neither and yet he had not the resources to stand alone.

Unfortunately, the King was also in difficulties. In March the fall of Chester, followed by the surrender of most of the remaining Royalist units, had reduced him to his lowest point of despair since the beginning of the war. As he informed Ormond through Nicholas:

"...Wee have been at a great losse divers weekes for want of advertisement out of Ireland, and our condition is now very low and sad, by the late disbanding of our army in the West, (which, if succo~~ff~~rs of foot had arrived in tyme from Ireland, might have been preserved to our most certaine advantage)..."

He had done all he could to offer reasonable terms of peace to Parliament.<sup>2</sup>

While aid from Ireland might now do him "more harme

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1. Ibid., pp. 394-99.

2. Mar. 26, Carte, VI, pp. 356-7. Nicholas echoed this dirge-like note in a personal letter of the same date (ibid., pp. 358-9).



than good", he still desired peace there. Such troops as had been intended for England should be used to pacify the whole island, so that later on Ireland might be instrumental in helping him to regain power in England and Scotland or <sup>in</sup> /providing a place of refuge for himself.<sup>1</sup>

The King's letters at this time revealed a lack both of plan and purpose. He talked, for instance, of trying to get to London in order to exploit the rising enmity between the Presbyterians and the Independents. Again, having just stated that troops from Ireland would do him more harm than good he added a postscript that he could use three or four thousand after all.<sup>2</sup>

But only one week later, hope had been rekindled. Encouraged by the French agent, Montreuil, he had decided to surrender to the Scots, who, he was assured, would accord him a favourable reception. In his head a new grandiose plan had been born. The Scots and Montrose should unite. In the meantime, Ormond would continue to hold the fort in Ireland.<sup>3</sup> It is significant, however, that on April 4 he informed Ormond that commands to Digby were commands to himself<sup>4</sup> and on April 6th he wrote to Glamorgan that he placed his trust in him and in the Nuncio.<sup>5</sup> To the unlikely combination of

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1. The King to Digby, March 26, *ibid.*, pp. 357-8.

2. *Ibid.*

3. April 3, Carte, VI, pp. 361-3.

4. *Cal. Cl. S. P.*, I, p. 309.

5. B.M., Harleian MSS; 6988, f. 121; *Embassy*, p. 185

Montrose and the Scots was hea hoping to add the Irish Catholics also? It would seem probable.

If Charles rode into the Scottish camp at Newark full of optimism, he was quickly undeceived. The Scots as always proved relentless negotiators and pressed harsh conditions upon him. Among these conditions was the severance of negotiations with the Confederates, to which Charles simulated agreement. At their instigation he wrote to Ormond on June 11th ordering him instantly to break off negotiations with the Confederates and never henceforth to tender concessions on his behalf.<sup>1</sup> The Scots forwarded the letter to the Parliamentary Commissioners in Ulster who passed it on to Ormond.<sup>2</sup> The latter had no choice but to inform Plunket and Brown that though he was personally convinced that the King had written under duress there could be no question of proclaiming the peace for the time being. Instead he proposed that the cessation be extended until August 13th and Plunket and Browne returned to Limerick to obtain the approval of the Supreme Council.<sup>3</sup>

There the matter might have rested indefinitely if George Digby had not appeared dramatically early in July to report that the King, a close prisoner, had contrived to notify the Queen that he desired peace with the Irish.

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1. Carte, VI, p. 392.

2. Jun. 22, T.C.P., XVll, p. 321.

3. Jun. 27, *ibid.*, p. 343.

Digby had been scheming hard for months to bring the Prince of Wales to Ireland in the belief that his presence there would facilitate the conclusion of peace and would make it possible to launch a united Confederate-Royalist assault against the Parliamentarians.<sup>1</sup> It was with this object in view that he had conveyed the guard of 300 men contributed by the Confederates to the Scilly Islands, where the Prince of Wales had taken refuge.

When Digby arrived at the Scilly Islands, he found that the Prince had moved to Jersey. Having followed him thither, he drew an attractive picture of the advantages of going to Ireland, but the Prince's advisers although they professed sympathy with Digby's arguments wished him to stay where he was. The Prince himself was attracted by the pleasures of Paris and, for other reasons, his mother also desired to have him there. With characteristic audacity Digby ~~proposed~~ proposed kidnapping the Prince, <sup>but</sup> no one was prepared to support the plan.<sup>2</sup>

From Jersey, Digby dashed to Paris with the intention of persuading the Queen to support his plans for the Prince. The Queen expressed willingness to give all the help she could

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1. Cf. Digby to Clanrickard, April 18, B.M., Add.M.S.42,L63, p.136:"as the only expedient that can possibly give a happy settlement to the distractions of it & unite the English w<sup>th</sup> the Irish in his Ma<sup>t</sup>'ies service."
  2. Clarendon, Great Rebellion, IV,p.193.



but she was reluctant to send the Prince to Ireland.

Digby turned for advice to Mazarin, who now fully supported the restoration to power of Charles I because he was afraid that the English Parliament was about to enter into friendly relations with Spain. Mazarin believed that there were excellent prospects of forming an alliance of the Scots, Montrose and the Irish Catholics and therefore strongly supported the need for an early settlement in Ireland.<sup>1</sup> He was willing to provide financial aid and gave Digby 10,000 pistols<sup>2</sup> to take back with him.

Even so, it was decided that the Prince should remain where he was for the time being and Digby had to be content with a firm promise that he would be sent to Ireland at some future date. In the meantime, Digby could inform Ormond and the Council that the King wished them to make an agreement with the Confederates.<sup>3</sup>

Armed with his money and friendly letters for Ormond from both the Queen<sup>4</sup> and the Prince<sup>5</sup> enjoining him to conclude the peace Digby returned to Dublin and at once assured the

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1. Cf. Du Moulin to Ormond, Jul.27, C.S.P.I., pp.480-1.

2. More, as the Confederates complained, than they had been able to obtain since the beginning of the Rebellion. (Embassy, p.186). Only 6,000 pistols according to Clarendon (Rebellion, IV, p.196).

3. Digby to Ormond, June 17, Carte, VI, pp.394-99. There is a witty description of Digby's travels in History of the Rebellion, IV, pp.190-200.

4. Carte, VI, pp.399-400.

5. Ibid., p.404.

Council that the King:

"having with much skill and difficulty obtained the secret means of expressing in short his sad condition, he thereupon declared his will and pleasure; that the queen, the prince, and all his faithful ministers, to whom it was to be imparted, were to understand this as the last free direction which they could expect from him; and that they should in all things pursue steadily those orders which he had given before the time of his unfree condition... that particularly for the business of Ireland, he had, whilst he was free, sent positive and repeated orders to the lord lieutenant for concluding the peace, upon the terms expressed to him by his excellency, since the mutual signing of the articles."

The King had further said they were to put no credence in any instructions purporting to come from him unless they were in cipher. In the absence of such cipher instructions Ormond was to take his orders from the Queen and the Prince who would, however, continue to support Ormond in his handling of the negotiations with the Irish.<sup>1</sup>

After this, Digby obviously urged immediate action.

Clanrickard was summoned to Dublin posthaste and the Confederate Commissioners were invited to send agents to conclude the peace.<sup>2</sup>

When the invitation to Dublin was received, the Supreme Council, now back at Kilkenny, had already agreed to an extension of the cessation until August 13th.<sup>3</sup> Geoffrey Browne was again nominated to agree to the proclamation of peace on their behalf.<sup>4</sup>

Even now, there was to be a further delay. Many people in Dublin and several councillors were still reluctant to

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1. Carte, ~~VI, pp. 399-401~~ III, pp. 243-4.

2. B.M., Add.MS. 42,063, p.161.

3. Jul.5, Gilbert, VI, p.52.

4. He arrived in Dublin on July 11th. B.M., Add.MS., p.161.

approve peace with the Irish. Ormond himself remained uneasy. The Parliamentary Commissioners seized the opportunity to ask him what he was doing about the King's declaration of June 11th against the Irish.<sup>1</sup> Finally, however, Ormond resolved to override the opposition, despite his own misgivings. He was helped by Digby who, sharing none of his doubts, signed a statement, which was duly entered in the Council Book on July 28th, to the effect that

"the said letter of the 11th of June is either a surreptitious letter, or a forced one from his majestie, or procured vpon some false information of the state of his affaires, and most contrary to what I knowe to bee his free resolution and unconstrained will and pleasure."<sup>2</sup>

On the following day Ormond added a further declaration:

"that he was satisfied he had full authority and command from his majesty to conclude a peace upon the articles desposited with the Marquis of Clanrickard ..."<sup>3</sup>

He also added that he understood that the King had dispensed with the condition that the Confederates should send 10,000 troops to England.<sup>4</sup>

And so, after more than two years of negotiations, peace was officially proclaimed on July 30th.<sup>5</sup> On the Royalist side it was welcomed with relief, though there was some opposition to it in Dublin. On the Confederate side it pleased one party but infuriated the other.

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1. Jul.14, T.C.P., XVIII, p.27.

2. Carte, VI, pp.419-20; Gilbert, VI, pp.55-7.

3. T.C.P., XVIII, p.73; Gilbert, VI, p.57.

4. Ibid., pp.57-8.

5. Ibid., pp.58-60.



### Chapter XIII

#### The Rejection of the Ormond Peace, August, 1646-December, 1646.

On August 6th, 1646, Dr. Roberts, Ulvester King of Arms, set out for the principal Confederate towns to proclaim the peace. Everywhere he encountered hostility. Waterford and Clonmel refused him admission, while at Kilkenny he was able to read out his proclamation only when the son of Viscount Mountgarret at the head of an armed band intimidated the townsfolk. At Limerick he and the Mayor were so roughly handled<sup>1</sup> that it was decided to cut short his itinery<sup>at</sup>.<sup>2</sup>

Whether the solid opposition of the towns was to be expected or whether, as Carte subsequently complained,<sup>3</sup> the Supreme Council dithered while the clergy, inspired by Rinuccini, acted promptly and vigorously to stir up opposition,<sup>4</sup> it is hard to say. But from a comparative analysis of the supporters and the critics of the Ormond Treaty, it would seem that most people were bound to be dissatisfied. A settlement that could inspire the

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<sup>1</sup> Poor Roberts obtained a medical description of the cuts and contusions inflicted on him at Limerick (T.C.P., XVIII, p. 186).

<sup>2</sup> Cf. Roberts' Relation of his Journey to proclaim the Peace, Sep. 1, *ibid.*, p. 213.

<sup>3</sup> Carte, III, p. 256.

<sup>4</sup> As they certainly did. The Mayor of Limerick recommended the Supreme Council to recommend the herald's progress "untill yor honnors take some course to appease the Cleargie, w<sup>ch</sup> will be a meane to free the whole Kingdome from a great deale of confusion (Aug. 18., T.C.P., XVIII, p. 161).

Protestant clergy to move a vote of thanks to the Lord Lieutenant<sup>1</sup> was scarcely likely to please the Irish Catholics as well.

Nearly all the New Irish were naturally pleased. Security of tenure was what they had wanted and what they believed they had now obtained. Bellings was doubtless expressing a popular sentiment when he wrote how happy he was "to againe become Master of that littel patrimonie descended upon me."<sup>2</sup> Some of the regular clergy also welcomed the peace.

In Clanrickard's opinion only a small but vociferous group by which he meant Rinuccini, some of the bishops and the Ulster chieftains, really opposed the Treaty.<sup>3</sup> This opinion is contradicted by the evidence. The opposition comprised three main sections, the clergy, including some of the orders, most of the towns,<sup>4</sup> and virtually all the Ulstermen, and must have numbered roughly five-sixths of the population. It is not even certain that all the gentry were content.<sup>5</sup>

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<sup>1</sup> Carte, VI, pp. 423-4.

<sup>2</sup> Bellings to Ormond, Aug. 4, T.C.P., p. 102.

<sup>3</sup> Clanrickard to Ormond, Sep. 18, Carte, VI, p. 430.

<sup>4</sup> Ibid., III, p. 3.

<sup>5</sup> Rinuccini reported many of the barons of Munster as being aggrieved because there was no guarantee that they would be restored to their estates (Embassy, p. 196).

The clergy attacked the treaty root and branch as containing none of the essential safeguards for religious freedom upon which they had always insisted. The townspeople tended to follow the clergy's leadership out of respect but they also relished the independence which they had recently gained. For their part, the men of Ulster considered they had been thrown to the wolves, since there was no mention of rescinding the plantation of their native land or of protecting them against reprisals.<sup>1</sup>

Considering the violence of the opposition provoked, the Supreme Council had been strangely casual in making plans for ensuring observance of the peace. Apparently, it was assumed that the spleen of the Ulstermen could be ignored, and that, while unenthusiastic, Rinuccini was at least acquiescent.<sup>2</sup> In any event, they could have had no intimation of the influence exercised by the Church when galvanised into action by the Nuncio. As late as August 11th, the Commissioners of Trust<sup>3</sup> could

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<sup>1</sup> See below p.532 for a fuller account of the grievances of Ulster.

<sup>2</sup> See above p.507.

<sup>3</sup> With the proclamation of the Treaty the Supreme Council had become officially defunct and Commissioners of Trust had been appointed to govern the country in conjunction with Ormond. Nevertheless, to avoid the pedantry of "former members of the Supreme Council" it will still be convenient to refer to the "Supreme Council."



still inform Ormond that the clergy "might (sic) infuse a dislike of the peace into the minds of the people." Even so, they were not so complacent as to dismiss the likelihood of some armed insurrection and they advised Ormond to hold troops in readiness to extinguish the small fires likely to break out.<sup>1</sup> They also urged the necessity of proclaiming the peace in Kilkenny before they did so in any other town.<sup>2</sup>

Unhappily for them, Rinuccini had started a forest fire. By chance or design, Congregation was about to assemble at Waterford when news of the proclamation in Dublin was released.<sup>3</sup> Roberts was sent first to Waterford - not to Kilkenny - presumably with the object of silencing the clergy, but the town firmly refused to allow him in to deliver his proclamation.<sup>4</sup> This ensured that nothing should prevent the clergy from preparing an assault on the treaty - this action and the dynamic leadership of Rinuccini.

There is a fascinating contrast between the long, unspectacular career of the Archbishop of Fermo, the

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<sup>1</sup> T.C.P., XVIII, p. 129.

<sup>2</sup> Muskerry and Browne to Dr. Roberts, *ibid.*, p. 117.

<sup>3</sup> See below pp. 521-2.

<sup>4</sup> Roberts to Ormond, Aug. 9, *ibid.*, p. 119.

sedate, canonical scholar, and the meteoric embassy of the papal nuncio to Ireland. Rinuccini tried to disparage his own part in organising a national party in opposition to the Ormondists,<sup>1</sup> but there is no doubt that he was almost entirely responsible for it. Throughout his time in Ireland, he was formulating policies and energetically compelling their adoption. But for him agreement with Ormond would have been reached months before, and the opposition to the Treaty now declared would have been as ineffectual as the Supreme Council had predicted to Ormond and as easily quenched. But for him, also, there would have been no hostile assembly of the clergy.

Nominally the purpose of the Congregation at Waterford was to discuss the establishment of a national synod. But whereas in his report - composed amid the heat of the events described - Rinuccini stated that it was meeting by accident when the treaty was announced,<sup>2</sup> in the retrospective account of his mission drafted several years later he confessed to having summoned the clergy for the express purpose of denouncing the treaty.<sup>3</sup> And

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<sup>1</sup> Cf. his report to Rome, Embassy, p. 498.

<sup>2</sup> Ibid., p. 197.

<sup>3</sup> Ibid., p. 498.

certainly, Congregation's first act was to give reasons for rejecting the treaty.

The shameful defect of the Treaty as far as they were concerned, was that it contained no concrete guarantee for the security of religion, but relied on a vague reference to concessions which the King could be relied on implicitly to make at some future date. Rinuccini also emphasised the fact that its proclamation involved two serious breaches of faith: the promise made in the previous October not to arrange a treaty without taking his advice and the agreement made in February to ascertain the opinion of the Pope. In anticipation of allegations that he himself had endorsed the treaty he caused all his correspondence with the Supreme Council over the question of peace to be read out to the assembled clergy.<sup>1</sup>

Never having perused the treaty hitherto in its complete form was a special source of grievance to the clergy. It also presented them with an excellent pretext for demanding the suspension of its publication within the Confederacy until they had had time to discuss its terms. They submitted their demand not only to the Supreme Council but to the town corporations as well.<sup>2</sup>

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<sup>1</sup> Com.Rin., II, pp. 324-5; cf. also Rinuccini's report to Pamphilio, Aug. 18, Embassy, pp. 195-200.

<sup>2</sup> Gilbert, VI, pp. 67-8.



They also wrote to Queen Henrietta Maria explaining their position.<sup>1</sup> This was a shrewd way of countering accusations of disloyalty.

If the swift action of the clergy effectively stiffened the spine of the opposition, it filled the Ormondists with dismay. Clerical intransigence might yet destroy their careful handiwork. Bent on appeasement they sent two noted moderates, Patrick Darcy and Nicholas Plunket, who took with them a copy of the original articles, to put their case to Congregation. Plunket and Darcy concentrated on allaying fears for religion. They insisted that the article concerned with future concessions to be obtained from the King referred to the Glamorgan Treaty. They drew attention to a pledge by which the Supreme Council undertook to reconvene the General Assembly and to take up arms once more if ever the terms of the treaty should be violated. They claimed that they had a private assurance from Ormond that the Churches which had fallen into their possession since 1641 would not be restored to the Protestants. George Digby was prepared to agree to the same degree of religious freedom as had been arranged in Rome by his cousin, Kenelm Digby. In any case, the present settlement was

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<sup>1</sup> Aug., 15, T.C.P., XVIII, p. 144.

not to be regarded as definitive. Essentially it was a temporary device to enable them to co-operate with Ormond against the Puritans. The theme running through their arguments was that the King had every intention of giving them full satisfaction but dare not do so publicly at the present time. And yet it would be tragic to withhold their support from him merely because he would not make an open declaration in their favour.<sup>1</sup>

To the bishops these were specious arguments. "They had no security for their future maintenance except empty words and promises" and "came to the conclusion that the Catholic religion was in greater danger than ever."<sup>2</sup> They proposed to the Supreme Council, therefore, that the Glamorgan articles should be added to the political agreement and that protestant governors and garrisons should be prohibited from taking over Confederate strongholds.<sup>3</sup>

In reply the Council took refuge in a legal quibble, asserting that since the treaty had been approved by the clerics in the Assembly and the Supreme Council, Congregation had no right to controvert an agreement arranged

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<sup>1</sup> Com.Rin., pp. 325-30.

<sup>2</sup> Embassy, pp. 197-8.

<sup>3</sup> Com.Rin., II, pp. 330-1.

by the secular government.<sup>1</sup> Congregation retorted with a list of critical comments upon this and other points raised by the Council in its justification. Those clerics who had voted for the treaty on March 6th had done so in their private capacity as barons of the kingdom and not as delegates of the Church. Next, they taxed the Council with having deliberately misled the Assembly by pretending that Ormond's concessions were much more generous than they were - in particular, by conveying the impression that they allowed for the retention of the churches seized since 1641 and that they embodied Glamorgan's articles. The articles as now published contained no reference to several clauses which had been included in the list read out to the Assembly.

They recalled that the Glamorgan Treaty had been conditional upon 10,000 troops being sent to England. Yet, Ormond was now agreeable to waiving this condition. How then could the Glamorgan Treaty be considered still valid and how could it possibly be implicit in the present treaty? They would not believe that the Glamorgan Treaty was to be included automatically in any future concessions from the King.

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<sup>1</sup> Apparently Plunket and Darcy had returned to Kilkenny with the clergy's answer. Then they had returned to Waterford with the answer of the Supreme Council; cf. Walsh to Ormond, T.C.P., XVIII, p. 158.



Their riposte to the argument concerning the reaction of the King's supporters to an over-generous peace was unanswerable. What supporters remained to him ? On weaker ground, they claimed that the distinction the Council had tried to make between the jurisdiction of the Church and the State ran counter to canonical teaching.

On reports that France supported the peace they commented that Digby had been spreading the rumour that the nation was solidly for peace.<sup>1</sup> The French and Henrietta Maria had been misled as to the true state of Irish opinion. It was not true, as had been alleged, that the clergy were pro-Spanish.<sup>2</sup> On the contrary the Catholic Church in Ireland was demonstrably more loyal to the Crown than the Protestants.

Finally, Congregation dismissed as worthless the vague assurances given for religion. Everything was to

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<sup>1</sup> Rinuccini detested Digby who, he had reason to believe, had slandered him during his recent visit to Paris. Cf. Hynes, *op.cit.*, p. 98.

<sup>2</sup> This allegation obviously originated in Dublin. Ormond was intensely suspicious of the activities of foreign Catholic agents in Ireland because he feared that the Confederates might be tempted to offer the Kingdom either to France or to Spain. Rinuccini's suspected connexion with Spain may have given rise to the rumour that he was working on behalf of Philip IV.

depend on Ormond who would be served only by yes-men, his critics having been eliminated from the government.

Having thus disposed of the Council's plausible arguments to its own satisfaction Congregation made two proposals for averting an irreparable rupture. The Supreme Council should either suspend publication of the treaty until the views of Rome had been obtained or summon the General Assembly so that the will of the people might be ascertained.<sup>1</sup>

According to Rinuccini it was only after dispatching this formidable reply to Kilkenny that the Clergy decided that observance of the peace was a breach of the oath of association, since that oath called upon the swearer to uphold the 'True Faith' and to do nothing directly or indirectly to harm it.<sup>2</sup> In fact, Congregation had already declared on August 12th that any one who had taken the original oath and now subscribed to the peace

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<sup>1</sup> Congregation to Bellings, Aug. 22, Com.Rin., II, pp. 330-9. This statement was followed by another lengthy letter to the Supreme Council two days later which the clergy threatened to publish if it evoked no response. A new objection to the Treaty was that the names of O'Neill and Preston had been left off the list of Commissioners of Trust: a new proposal that the concessions which the King had been prepared to offer but which Ormond had suppressed should be published. Aug. 24, Gilbert, VI, p. 97; T.C.P., XVIII, p. 176; C.S.P.I., pp. 497-8.

<sup>2</sup> Embassy, p. 198.

had committed perjury.<sup>1</sup> Nor in general had they relied on a war of words alone.

The threat of excommunication was held over the heads of any Commissioner who should go to Dublin to assist in implementing the Treaty.<sup>2</sup> This was followed by draconian ecclesiastical sanctions. On August 17th<sup>3</sup> Congregation formally excommunicated the Commissioners who had arranged the Treaty, placed an interdict on all the churches, cities and towns recognising it, and suspended from their sacramental duties any priest who spoke favour of it or granted absolution in the confessional to one of its adherents.

In order to cripple the Council financially, they threatened with excommunication any official who should spend money or collect taxes on its behalf and any soldier who should carry out its orders. They also framed a new oath of association which bound the swearer to approve of a peace which should be:

"honourable in the view of the world; secure to their conscience according to the oath of association and so approved by the congregation of Ireland."

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<sup>1</sup> Decree of Congregation, Aug. 12, Com.Rin., II, pp. 340-1; Gilbert, VI, pp. 69-72. The original declaration is preserved in Trinity College, Dublin, 3.11.ff.143-4.

<sup>2</sup> Com.Rin., II, p. 346.

<sup>3</sup> The Congregation had broken up on the previous day leaving the Nuncio and eight others to act in its name.



Finally, they declared that the Supreme Council had forfeited the right to exercise sovereignty over the Confederacy.<sup>1</sup>

There was nothing more that could usefully be said or done although both sides shrank from the consequences of precipitating a civil war. The clergy refused absolutely to put their trust in promises while the whole case of the Council was based on the assumption that Ormond and Charles I could be trusted. All the Council could do was to reiterate their determination to go on with the war against the Puritans and the Scots - provided they could collect taxes. They were ready to work wholeheartedly for the cause of religion as soon as a free parliament had been summoned if only the clergy would withdraw their declaration against the peace. In the meantime, they could give no reply to the last communication of August 24th until Ormond had come to Kilkenny and Plunket and Darcy had returned <sup>from</sup> ~~to~~ Waterford.<sup>2</sup>

The Council now tried to collect taxes. The clergy retaliated by issuing a decree of excommunication against all those who should pay as well as collect taxes and

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<sup>1</sup> Com.Rin., II, pp. 343-4.

<sup>2</sup> Ibid.; T.C.P., XVIII, p. 174. Ironically, instead of winning over the clergy Plunket and Darcy were themselves persuaded to accept the peace. This change of heart elated the clergy (Com.Rin., II, pp. 325-30).

any soldiers who should happen to accompany the tax officers.<sup>1</sup> The Council, which had so lightly discounted the volume of opposition likely to be raised against its policy, found itself completely outmanoeuvred. Even so, the position would not have been so serious had the Council commanded the loyalty of the Confederate armies. But, by this time, O'Neill had aligned himself with the clergy and while Preston had not committed himself one way or the other he was obviously not going to come to their rescue.

The attitude to be adopted by these two generals had been the crucial factor from the beginning. What O'Neill decided to do was all-important, for in the last resort the clergy were powerless to overcome the Ormondists without his military backing although they might achieve a position of stalemate by using spiritual sanctions. Knowing this, both sides sought to win him over. Indeed, Ormond had for some time been careful to keep in touch with him through his nephew Daniel, with the object of coaxing him into a frame of mind favourable to the Treaty. O'Neill, a canny man, had been polite

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<sup>1</sup> Decree of Aug. 26, Com.Rin., II, p. 354; Even the threat had apparently had some effect - cf. Bellings to Ormond, Aug. 21, T.C.P., XVIII, p. 165, the Corporation of Waterford has ordered that no monies be paid to the receivers.

but non-committal.<sup>1</sup>

As soon as the Treaty had been proclaimed Ormond invited him to Dublin for a conference.<sup>2</sup> O'Neill sent back an evasive answer.<sup>3</sup> It was not simply that he had already resolved to side with Rinuccini; he would never be an out-and-out nuncioist. Indeed, the clergy were on tenterhooks for fear he should hold himself aloof from the conflict and both the Ormondists and Rinuccini never ceased to complain to Rome of his independent attitude. He deplored the treaty on personal grounds. It ignored him completely and he had good reasons for distrusting the intentions of the Ormondists with regard to his future status in Ireland. None the less, behaving in character, he took his time in making known his decision. Although Rinuccini had sent Massari to solicit his support on August 5th,<sup>4</sup> he did not declare his allegiance to the clergy until August

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<sup>1</sup> Cf. O'Neill to Ormond, Jul. 19, T.C.P., XVIII, p. 41; he has received Ormond's friendly letter brought by his nephew Daniel and has discussed it at length. For the rest, the reply is subtly non-committal, even ironic.

<sup>2</sup> Ormond to O'Neill, Aug. 3, *ibid.*, p. 100.

<sup>3</sup> O'Neill to Daniel O'Neill, Aug. 7, *ibid.*, 109; one of his reasons for feeling that he should not visit Dublin was that he had not any suitable clothes!

<sup>4</sup> Com.Rin., II, p. 319.



17th.<sup>1</sup> His decision, welcomed joyfully by Rinuccini, assured the non-enforcement of the treaty as it stood.

Evidently Ormond, pressed by Daniel O'Neill, was loath to regard his adherence to the clergy as final. On August 28th, he instructed Daniel to offer him several handsome concessions, in return for his support. These included confirmation of his command and a disingenuous proposal that he should take possession of the lands of those who opposed the peace in the O'Neill tribal area.<sup>2</sup> O'Neill declined the bribe.

During his visit to his uncle, Daniel O'Neill sounded the Ulstermen on their reactions to the peace. The results of his inquiry appeared in a memorandum, "What I understand of the grievances of the Ulster-men", which he showed to Ormond. Among other grievances, they protested against their exclusion from state offices and the denial of their right to appeal against the expropriation of their lands. They also thought it only just that Protestants who had not submitted to the peace by October 31st, 1646, should forfeit their estates to themselves.<sup>3</sup>

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<sup>1</sup> Ibid., pp. 319-21.

<sup>2</sup> Remembrances for Mr. Daniell O'Neill, Aug., 28, T.C.P., XVIII, p. 189; Aphor. Disc., I, pt. II, p. 700.

<sup>3</sup> Aphor. Disc., I, pt. II, p. 702; T.C.P., XVIII, p. 226.

Whereas O'Neill was slow to make up his mind but steadfast once committed to a particular course of action, Preston was impulsive and unsteady.<sup>1</sup> His natural sympathies lay with the Ormondists but he would have identified himself with their policy in any case just because O'Neill was regarded as the champion of the other side. Consequently, he had greeted the news of the peace with "a salvo of artillery that caused rejoicings in the air which found no echo on the earth."<sup>2</sup>

The Supreme Council relied upon his support to cancel out O'Neill's likely attachment to the clergy,<sup>3</sup> but were afraid that he might be intimidated by the threats of Congregation. And so, they assured him:

"that all inconveniences which may spring from any letters and declarations of theirs (the Congregation) may be suppressed, and the affection both of the army and the people conserved to our King. We are convinced you will be diligent in this matter."<sup>4</sup>

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<sup>1</sup> Cf. "(Preston) was much fitter to be guided by others than Govern anything absolutely of himself." (Plunket-Dunne MS. p. 502).

<sup>2</sup> Embassy, p. 500.

<sup>3</sup> The author of the Aphorismical Discovery recorded that Preston had been committed to support the peace from the time of the capture of Bunratty. Moreover, when the Council invited Ormond to Kilkenny they guaranteed the assistance of 10,000 foot and 1,000 horse, namely Preston's and Muskerry's (op.cit., p. 123).

<sup>4</sup> C.S.P.I., p. 489.

At Ormond's request, or at least with his cognisance, Clanrickard warned Preston against Rinuccini and the Old Irish:

" . . . I fear the old national feuds will be kept up, under the guise of zeal for religion."<sup>1</sup>

Preston chose to regard these two communications as binding him to observe the peace but true to form he was soon vacillating.<sup>2</sup>

Apparently the Bishop of Ferns wrote to him on behalf of Congregation to ask why he had proclaimed the peace in the light of their objections to it. Preston's reply was sulky but he lacked the courage to stick to his guns; he was even prepared to pretend that he had thought the clergy were in favour of the peace:

"If the Catholic Clergy were opposed to the peace why did they not tell me so."<sup>3</sup>

Not that the clergy could now count on his loyalty.

Very soon he was again listening to the siren songs of the Ormondists. Nevertheless, during those vital few

<sup>1</sup> C.S.P.I., p. 492.

<sup>2</sup> There is no question that Preston's character was an open book. This makes all the more remarkable his long tenure of command, especially in view of his frequent set-backs in the field. Indeed, the only reasonable explanation of his survival is that it suited the Ormondists to support him - though there must have been occasions, like the present one, when they probably wanted to dismiss him.

<sup>3</sup> C.S.P.I., p. 499.



weeks immediately following the proclamation of peace he refrained from supporting the Supreme Council which, without him, was powerless to enforce its authority.

And so, deprived of coercive power and realising that nothing would induce the Nuncio and his party to acknowledge the peace, the Council implored Ormond to come promptly to its assistance before O'Neill moved against Kilkenny. Ormond was fully apprised of the situation. On his own account he had been pulling strings to weaken the opposition. Apart from the feelers he had put out to O'Neill he had kept in touch with Preston.<sup>1</sup> He was also not averse from exploiting the notorious ill-feeling between Owen Roe O'Neill and Sir Phelim O'Neill<sup>2</sup> and invited Sir Phelim to send a representative to discuss with him.<sup>3</sup>

But he did not welcome the invitation to Kilkenny. His forces were small and he shrank from putting too much distance between himself and Dublin and running the risk of capture. This was a practical consideration. He was also dispirited by the existence of so much hostility towards the peace settlement. In the past, if

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<sup>1</sup> Ormond to Preston, Aug. 7, T.C.P., XVIII, p. 108.

<sup>2</sup> Cf. Com.Rin., II, pp. 187-90.

<sup>3</sup> Aphor. Disc., I, pt. II, p. 700.

he had never been sanguine he had remained imperturbable, as though success and failure were all one to him. But from now on his equanimity was shaken and he faced his task with deep repugnance. His references to the Confederates became progressively more contemptuous and his comments on the futility of dealing with such an unstable and fragmented body more frequent. At the back of his mind was a fixed conviction that many of them, if given half a chance, would gladly deliver Ireland over to the Pope or to Spain.<sup>1</sup> All his dislike for Catholicism and his sense of English superiority rose to the surface.

Yet he had no choice. Reasons of prestige compelled him to go to Kilkenny. Besides, it was just possible that the adventure might turn out well. He still had hopes of restraining, if not of buying off, O'Neill, Preston was wavering but might still have the courage to show his hand,<sup>2</sup> he was expecting to rally the Butler clan, his friends at Kilkenny assured him all would be well if only he would join them.<sup>3</sup> In any case, he was morally bound to proceed against those who were violating the peace by the conditions of the treaty.<sup>4</sup>

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<sup>1</sup> This conviction was steadily strengthened; see below p.555.

<sup>2</sup> Preston to Ormond, Aug. 26, T.C.P., XVIII, p. 181, described the dispositions he had made at Ormond's request.

<sup>3</sup> Cf. his report to the King in the following year, Carte, VI, p. 534.

<sup>4</sup> Cf. Ormond to Lord Polliot, Sir W. Stewart and others, Aug. 22, T.C.P., p. 56, inviting them to join him against "violent opposers of the peace."

Even so, he hesitated to take the plunge. Although he informed Walsh that he was prepared to march to Kilkenny within a few days,<sup>1</sup> he put off his departure until August 28th. In the meantime, he was left in no doubt as to the rapidity with which the situation was deteriorating for the peace party. First Walsh raised the alarm: "yo<sup>r</sup> beinge upon the place heare suddenly is it that will do any thinge."<sup>2</sup> Then Bellings implored him to come at once.<sup>3</sup> For Muskerry it was a matter of desperation.<sup>4</sup> Finally, on August 28th, Castlehaven peremptorily warned Ormond that reports that he had postponed his march<sup>out</sup> would do - had done - serious harm, "all face of Government being amongst us desolved excepte that the nuntio and Clergye doe usurpe at Waterford."<sup>5</sup>

Prepared for the worst,<sup>6</sup> Ormond began his march on August 28th at the head of 1,200 horse and foot. At first, all seemed to be well. "The Court and Castle were newly decorated for his reception. New gates were

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<sup>1</sup> Ibid., p. 153. Having previously signified his intention of coming soon (Ormond to the Supreme Council, *ibid.*, p. 147).

<sup>2</sup> Aug. 19 *Ibid.*, p. 158.

<sup>3</sup> *Ibid.*, p. 156.

<sup>4</sup> Aug. 21, *Ibid.*, p. 164.

<sup>5</sup> *Ibid.*, p. 187.

<sup>6</sup> Cf. Ormond to Edmund Butler, Aug. 22, p. 168.



created splendidly gilt."<sup>1</sup> Welcoming ~~crowds~~<sup>ed</sup> at Kilkenny acclaiming him as a returning hero.<sup>2</sup> But scarcely had the applause died away when intimations of disaster began to flood in. One of his kinsmen, Piers Butler, complained that he had become an object of distrust because of their relationship and pinpointed in a single sentence the source of Rinuccini's power:

"this terrible excommunication threatened by our cleargie, does so terrifie me, that I had rather be out of the world than liable to it."<sup>3</sup>

His testimony to fear was all the more significant since Congregation did not formally excommunicate the adherents of the peace until September 1st,<sup>4</sup> two days after his letter was written, as an obvious counter to Ormond's march-out to the Confederate capital.

So much for the family feeling of the Butler clan. Soon it also became only too plain that Preston, using a feigned indisposition as his excuse,<sup>5</sup> was not intending to rally to his side as he had been requested.<sup>6</sup> Meanwhile, alarming intelligence of O'Neill's movements was

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<sup>1</sup> Petrie MSS., R.I.A., p. 130.

<sup>2</sup> Castlehaven, Memoirs, p. 71.

<sup>3</sup> T.C.P., p. 195.

<sup>4</sup> Com.Rin., II, p. 356.

<sup>5</sup> Sep. 5, *ibid.*, p. 232; Castlehaven, Memoirs, p. 72.

<sup>6</sup> Sep. 3, C.S.P.I., p. 503.

being received. According to some reports he was advancing against Kilkenny; according to others he intended to bar the return road to Dublin.<sup>1</sup> The most disturbing account concerned a plan to assault Dublin in Ormond's absence.

What was to be done ? To stand fast might be disastrous. O'Neill would have little trouble in destroying Ormond's small force. On the other hand, his departure would entail loss of prestige, leave Rinuccini and the Old Irish in complete command of the situation and lead to the permanent severance of relations with the Confederacy. Persuaded by Digby, Clanrickard and the Ormondist leaders, Ormond decided to hang on as long as possible in case the clergy might even yet listen to reason.

There was obvious reluctance at Kilkenny to make a clean break with the militant clergy at Waterford. Some, if not all, the Supreme Councillors still clung to the hope that the clergy were susceptible to the argument that religion could be safeguarded by other means than the Ormond Treaty. It is clear from subsequent events that Digby and Clanrickard were also prepared to try the same argument.<sup>2</sup> But Ormond felt he had strained his

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<sup>1</sup> Daniel O'Neill sent an urgent warning to this effect to the Earl of Roscommon in temporary command of Dublin during Ormond's absence (Aphor. Disc., I, pt. II, pp. 701-2). This message dated September 1st, must have been transmitted urgently to Ormond.

<sup>2</sup> See below p. 575 ff.

commission to the uttermost in signing the present treaty and had no intention of getting himself entangled in "a new treatye with the clergye." He was willing, however, to reassure the clergy on certain points: unless he received a countermanding order from the King - which had been given freely - they could retain the churches in their possession and continue to exercise jurisdiction in Confederate quarters; he would also carry out any instructions he received from the King which were to their advantage.<sup>1</sup>

Ormond also tried the desperate expedient of sending Castlehaven to <sup>i</sup>mpore Rinuccini to acknowledge the validity of the treaty but, as Castlehaven related, Rinuccini announced "his Resolution to oppose it to the uttermost."<sup>2</sup> The last hope was a personal approach to the clergy to be made by Lucas Dillon and Dr. Fennell. As far as Ormond was concerned, these two councillors, who were very optimistic,<sup>3</sup> were to present Congregation with the reassurance he was prepared to give concerning instructions from the King, but, as it turned out, they intended to go very much further.

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<sup>1</sup> Cf. Ormond's report to the King in the following year, Aug. 1647, Carte, VI, p. 534.

<sup>2</sup> Memoirs, p. 72; Castlehaven to Rinuccini, Com.Rin., II, pp. 356-7; Rinuccini to Castlehaven, ibid., pp. 357-8.

<sup>3</sup> Clarendon, Historical View, p. 1055.



Ormond originally meant to delay his withdrawal until Fennell and Dillon had reported back and to spend the intervening time in collecting recruits.<sup>1</sup> With the object of recruiting he marched out of Kilkenny and roamed the surrounding district. All in vain. No one would help him. The Mayor of Cashel pleaded with him not to enter the town for fear of the consequences.<sup>2</sup> In the end, he was forced to choose between losing face by returning to Dublin and exposing his troops - for whose lives he felt personally responsible - to massacre by staying where he was.

Even then, it was a measure of his recognition of the adverse consequences, psychological as well as political, of an enforced retreat that he did not march back directly to Dublin but sought to re-enter Kilkenny. However, the magistrates advised him that to do so would be dangerous.<sup>3</sup> The news that O'Neill was about to spring a trap<sup>4</sup> and further reports of an imminent threat to the

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<sup>1</sup> Cf. Ormond to Barnaby O'Toole, Sep. 9, T.C.P., XVIII, p. 243; Ormond to Col. Piers Fitzgerald, Sep. 10, *ibid.*, p. 253.

<sup>2</sup> *Ibid.*, p. 256.

<sup>3</sup> Castlehaven, Memoirs, p. 74.

<sup>4</sup> Ormond included the Nuncio in a plot to seize him, alleging that the clergy were only pretending to negotiate in order to give O'Neill time to cut him off from Dublin. Later on, he included Preston in the plot. Some of the councillors were only pretending to appease the clergy!

capital<sup>1</sup> only served to accelerate his retreat under duress from the very city which, less than two weeks previously, had ceremonially welcomed him.<sup>2</sup> "The sumptuous feasts which had been prepared in honor of the Earl of Ormond were now distributed among the youths of Ulster."<sup>3</sup>

After several alarms and after following an erratic course Ormond regained the capital on September 13th<sup>4</sup> with nothing accomplished. The experience at Kilkenny left a bitter memory. His pride was hurt and for a long time he was distrustful of any person or proposal connected with the Confederacy. It is in fact virtually certain that but for the intervention of Clanrickard and the

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<sup>1</sup> Lord Lambert to Ormond, Sep. 9, T.C.P., XVIII, p. 248. Lambert reported that O'Neill intended to move against Dublin or Kilkenny. Roscommon warned Ormond of a great plot to invest Dublin (*ibid.*, p. 263).

<sup>2</sup> The account of this Kilkenny episode which Ormond gave to the King at Hampton Court in August, 1647, contained several embellishments added in the light of subsequent events. Oddly enough, Carte's own account did not parallel that of Ormond (*ibid.*, III, pp. 258-69). Another curious fact is that Belling's account is almost a paraphrase of Ormond's. It is not even accurate. For example, Ormond was supposed to have returned to Dublin on September 30th when in fact he arrived back on the 13th (*cf.* Bellings, VI, pp. 17-20).

<sup>3</sup> Petrie MSS., pp. 135-6.

<sup>4</sup> Here O'Neill missed an excellent opportunity of capturing Ormond.

fertile plotting of Digby<sup>1</sup> relations between the Royalists and the Confederates would have been broken off for good.

Ormond's departure left his supporters at Kilkenny in despair. Scenting the imminent triumph of the clergy many people rushed to change sides. A number actually betook themselves to Waterford<sup>2</sup> in order to be near the new centre of power. The mission of Dillon and Fennell, never likely to succeed anyway, was now doomed, even though it had begun more auspiciously than might have been expected.

The reason for this apparently promising beginning may have been connected with the clergy's desire to refute the allegation that they were extremists intent on the separation of Ireland from the English crown. At home and abroad, this charge, of which Digby was believed to be the source, was doing much damage. Seriously disturbed, Congregation published a manifesto of their aims and principles on September 10th. They affirmed that they were neither in opposition to the King nor questioning his temporal authority, but simply protecting Church

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<sup>1</sup> It has usually been presumed that Digby remained behind at Kilkenny to keep an eye on the situation. In his report to the King, (Carte, VI, p. 536), however, Ormond stated that Digby returned with him to Dublin.

<sup>2</sup> Com.Rin., II, p. 386.



interests, interests which had been overlooked in the Ormond Treaty. Specifically they objected to the treaty on three grounds: it had been contracted by a minority on their side; Ormond had not had power to act for the King because his commission had been revoked; it had been superseded by the Glamorgan Treaty. Once Church rights had been secured, they would give all possible aid to the King. In the meantime, they had no intention whatsoever of giving up Ireland to any foreign power.<sup>1</sup>

It was with a desire to show themselves reasonable, therefore, that the clergy chose to discuss at length the propositions made by Dillon and Fennell. As in their manifesto they ascribed all their actions to their concern for religion. There was some talk of instructing O'Neill to refrain from hostile acts, even of requesting him to return to Ulster, provided Ormond would promise not to use force to see that the peace was observed. Consequently, Dillon and Fennell were at first mildly optimistic. Their own proposals, which, after protracted discussions, they were asked to commit to paper, would have been quite unacceptable to Ormond and therefore pre-supposed as always that it was safe to rely on the King's good intentions.<sup>2</sup>

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<sup>1</sup> Com.Rin., II, pp. 383-5.

<sup>2</sup> Gilbert, VI, pp. 136-7.

Dillon and Fennell presented their written proposals on September 11th. By the next day an abrupt change had occurred in the attitude of the clergy, probably because the news of Ormond's flight from Kilkenny had been received. Even those clerics who had leaned towards peace - there were some apparently - were now in doubt. The discussion broke off and on September 15th Congregation produced its unyielding answer. Any authority ever possessed by Fennell and Dillon had been invalidated by Ormond's flight from Kilkenny. In any case Ormond himself should have made direct proposals. In conclusion, they restated the principle upon which they now stood firm, namely that no settlement could be ratified except by the General Assembly.<sup>1</sup> The rout of the Ormondists was thus complete. On September 17th Preston informed Ormond that those who had gone to win over the Clergy had themselves been converted.<sup>2</sup>

Ormond's enforced retreat and the military weakness of the Commissioners of Trust opened the way for the Nuncio's triumphant return to Kilkenny.<sup>3</sup> His first act

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<sup>1</sup> Com.Rin., II, p.364 ; Gilbert, VI, pp. 138-9.

<sup>2</sup> T.C.P., XVIII, p. 281.

<sup>3</sup> On September 17th, The Kilkenny garrison invited the Nuncio ! Aphor. Disc., pp. 127-8.

was to incarcerate the principal sponsors of the Peace, except for Darcy, Plunket, and Mountgarret, who was spared only because he was sick.<sup>1</sup> A new Council was then installed consisting of four bishops and eight laymen, with Rinuccini as President. Upon receiving news that Ormond had opened negotiations with the English Parliament Rinuccini had Glamorgan designated the next Lord Lieutenant in anticipation of Ormond's dismissal.

Glamorgan's standing among the Confederates had been restored at about this time, largely, it may be inferred, through the backing of Rinuccini who had ceased to harbour any doubts as to his intimate relationship with the King. Indeed, his belief that Glamorgan had been employed to do what Ormond himself could not or would not do must account in part for his readiness to denounce Ormond's attitude towards the Irish. One reason for nominating Glamorgan for the Lord Lieutenantcy was precisely that he would be acceptable to the King. Glamorgan was obviously also the only person fitted to command the expedition which it was still intended to send to the King's relief. The legal foundation for his nomination was the commission from the King which he himself had produced. To an objection that he was English Rinuccini apparently replied that an Irishman might become involved in the national feuds.<sup>2</sup>

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<sup>1</sup> Plunket Dunne MS., p. 842.

<sup>2</sup> Embassy, pp. 205-6; *ibid.*, pp. 211-12.



Rinuccini's revived respect for Glamorgan's authority may have stemmed from two letters Glamorgan had received from the King. The first, dated April 5th,<sup>1</sup> referred him to Digby for directions and assured him of constant friendship. It concluded:

"you cannot doubt but that I will perform all the instructions and promises made to you and the Nuncio."<sup>2</sup>

Since this letter was conveyed by Walsingham, Digby's secretary, it was obviously not forged. In this case it would seem unquestionable that the letter addressed to the Nuncio, previously received by Glamorgan, was also genuine.<sup>3</sup>

The second letter, dated July 20th and headed Newcastle, was simply produced by Glamorgan and could therefore have been forged. It contained the astonishing proposal that Glamorgan might:

"raise a large sum of money by pawning my kingdoms."<sup>4</sup> for the purpose, presumably, of raising forces. There was also a suggestion that Charles would try to join Glamorgan and the Nuncio in Ireland.<sup>5</sup> From these two

<sup>1</sup> See above p. 511.

<sup>2</sup> Embassy, p. 185.

<sup>3</sup> See above pp. 420-1.

<sup>4</sup> An incredible statement in the opinion of Round; see below, app., pp. 704-6.

<sup>5</sup> Com.Rin., II, p. 292.

letters it was inferred by Rinuccini that the King's repudiation of Glamorgan had been for public consumption only and that Charles continued to rely upon Glamorgan to extricate him from his difficulties with the help of the Irish.

At any rate, Glamorgan had been in the wings at Waterford throughout August and early September making suggestions to Congregation. During the early stages he had offered to go abroad and collect £50,000 to be used by them in enforcing their authority over all Ireland, provided that 10,000 men should then be sent to the King. He would also visit Rome where he would speak well of the Nuncio. In these and further proposals there was a note of bombast, but as so often he also made two sensible suggestions: the Clergy should allow the Treaty to be published and invite several prominent laymen to join with them in administering the country.<sup>1</sup>

When Glamorgan was nominated for the Lord Lieutenancy, the plan to go abroad had to be abandoned. His brother, Lord John Somerset,<sup>2</sup> was sent in his stead armed with

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<sup>1</sup> Com.Rin., II, pp. 343-4.

<sup>2</sup> Cf. "His brother who accompanied him into Ireland was a creature more insignificant still, so as both of them were easily found out to be fit instruments for the mischief of foolish and knavish councillors." (Plunket Dunne MS., p. 890).

letters of introduction.<sup>1</sup>

Meanwhile, assisted by Rinuccini, Glamorgan had drafted a memorandum in Latin designed as though it were addressed to the King, and outlining reasons for inviting the King to Ireland. This was apparently prompted by the King's letter from Newcastle. It contained a curious ambiguity, arguing on the one hand that Ormond's proclamation enabled the King to receive Ireland back into his allegiance and, on the other, that when the King should come to Ireland he would see how little his interests "were regarded by the Marquis of Ormonde and Lord Digby." All Ireland would be at his disposal. The Catholic Princes, especially the Pope, would support him. Glamorgan would obtain 120,000 crowns for his use. To the objection that if he took their advice his remaining Protestant supporters would desert him, they put forward several answers, of which the gist was that Protestants who were truly loyal would not fail to recognise that he was driven by necessity. As for the admitted difficulty of escaping from his gaolers, Glamorgan would hazard his life to contrive it.

In conclusion, Glamorgan asked the King to state clearly whether he wished to be helped or not; if so, to issue him with full powers,

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<sup>1</sup> Embassy, pp. 202-3.



"without impediment or the being liable to the fraudulent practices of those, who pretend to be attached to your Majesty and to whose machinations against me your Majesty knows me to have been exposed in England"

With obvious reference to his having been disavowed earlier in the year, he added:

"And my affection and duty is such, that I cannot but regard your Majesty's safety, without calling to mind past injuries, or considering the dangers I have undergone, or the money I have expended, since I do not think, that what I have suffered arose from your Majesty or was willingly permitted by you."<sup>1</sup>

Whether Glamorgan sent this memorandum is not known. Certainly there is no evidence to show that he, or anyone else, ever planned an escape route to Ireland for the King. And yet, presumably, he was serious. Of course the paper may have gone astray in transit; the King may have been unable to send a message back or have given a negative response.

What is significant is Rinuccini's interest in the project. Either he was treating Glamorgan as a dupe, which seems very unlikely in view of the fact that he reported the transaction to Rome, or else the allegation that he deliberately tried to separate Ireland from the English Crown is not entirely justified.

Besides becoming Lord Lieutenant apparent, Glamorgan was also appointed General of Munster.<sup>2</sup> To set the seal

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<sup>1</sup> Com.Rin., II, pp. 393-4.

<sup>2</sup> Com.Rin., II, p. 392.

on his attachment to the clerical party he swore an oath on September 29th to obey the commands of Rinuccini, even to forfeiting the right to succeed Ormond if Rinuccini should so decree.<sup>1</sup> Although thus committed up to the hilt to those who had wrecked the Ormond Peace, Glamorgan continued to behave as though he were not pursuing a policy diametrically opposed to that of Ormond. Throughout his career it never seemed to enter his head that people might impute his actions to dishonesty or the pursuit of personal gain. In this instance, for example, he continued to write to Ormond in a guileless fashion. Thus, on August 30th he asserted that he had not made any new proposals to the Confederates and that he had repudiated those contained in his treaty.<sup>2</sup> Then on September 22nd he sent a message complaining that he had been expecting but had not received instructions and explaining why he could not visit Dublin, namely because friends had warned him that he would be detained there. In spite of several reassuring letters and messages from the King, especially through Walsingham, his recognizances had not been delivered to him. For another thing, a visit to Dublin would offend the clergy and thereby weaken his

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<sup>1</sup> Com.Rin., II, p. 399.

<sup>2</sup> T.C.P., XVIII, p. 196.

influence over them. He could not afford to allow this to happen because he had come to the conclusion that the one way he could help the King was by keeping in with the Nuncio and his party. Through them he would obtain assistance "though I have fayled to doe it amongst his own subiects." As though aware of Ormond's belief that Rinuccini was plotting to alienate Ireland to the Spanish Crown, he announced that he was going to put to the test Rinuccini's claim that he did not desire the King's overthrow. Presumably this was a cryptic reference to his hopes of bringing the King over to Ireland. In order to forestall criticism he declared that he was taking over command in Munster by virtue of the King's commission and not with the commission of the clergy<sup>1</sup> - He would have found it much more difficult to explain away the oath he was on the point of swearing to the Nuncio. All this makes it clear that he was still preoccupied with ways and means of raising troops for Charles.

The belief that Ormond would neither support nor condemn his activities is further illustrated by his reply to the above letter:

" . . . I vnderstand not what your Lordship's authorities from his Majestie are, or what wayes you meane to take to serve him, and therefore

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<sup>1</sup> T.C.P., XVIII, pp. 300-1.



can give no judgement of either. But I must assure your Lordship (what ever you heare) I am ~~soe~~ <sup>great</sup> a reverencer of the King's authority, and soe desirous to advance his Service, that if your Lordship will lett me see the one, and instruct mee in the wayes of the other, you will finde from mee ready obedience." <sup>1</sup>

When the new council had firmly established its authority, Rinuccini considered the time had come to launch the great enterprise which should restore the Catholic Church to its rightful place - the assault and capture of Dublin. For the operation he intended to rely exclusively on O'Neill's loyal Ulster army but against his better judgement he consented to Preston's army also taking part.<sup>2</sup> The plan of campaign required the two armies, Preston's being much the smaller, to advance along parallel routes to a rendezvous just outside Dublin, where a council of war would devise a plan for the decisive attack. Rinuccini and the Council were to follow in the wake of the armies - if only because Rinuccini intended to keep his eye on Preston.

If a combined operation was ill-advised in view of the clashing personalities of the two generals, the timing was well chosen. The defences of Dublin were so weak that one sharp thrust was bound to pierce them.

Ormond himself was reconciled to the city's fall. The only question was: to whom should he surrender it ?

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<sup>1</sup> Carte, VI, p. 439.  
<sup>2</sup> Embassy, p. 501.

To the English Parliament, the Ulster Scots or the Confederacy ? His choice was inevitable; first the Scots and, failing them, Parliament. To some extent he was prompted by a practical consideration. The Scots might yet be instrumental in restoring the King to power. The English Puritans might eventually be reminded of their duty to the Crown. Either might be prepared to help him in order to keep the Irish out, without necessarily insisting for the time being on taking possession of the city. But the simple truth was that when obliged to choose between rebels Ormond much preferred to deal with those who happened to be English - or Scottish - and Protestant to those who were Irish and Catholic.<sup>1</sup> His identification of himself with the English aristocracy and his Protestant convictions transcended any affection~~s~~ he may have had for Ireland. It is also only fair to record that he put no trust in the declarations of devotion to the Crown made by all shades of opinion in the Confederacy.

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<sup>1</sup> Castlehaven, Memoirs, p. 78, claimed some credit for helping Ormond to make up his mind. The argument he used is significant in view of his own position in the Confederate government: " ... my advice was ask'd by his Excellence in this extremity, with which of his Enemies he should treat ? I answer'd, that I was confident he had resolved that before, there being no question in this case. For giving up to the Parliament, when the King should have England he would have Ireland with it; but to the Nuncio and his Party, it might prove far other ways, and the two Kingdoms remain separate. What weight this discourse had, I know not. But immediately my Lord Lieutenant engaged himself in a treaty with the Parliament."

He feared that under Rinuccini's baneful influence Ireland would become an appanage of the Pope or of Spain.<sup>1</sup> Rather the rule of Presbyterians and Puritans than occupation by a foreign power ! Ormond's decision at this twelfth hour is the clearest possible indication of the root incompatibility between his conception of the place of Catholics in the governments of Ireland and that of the Confederacy, and adds weight to the conclusion that a compromise between the two parties had been always unlikely.

Meanwhile, whether the Scots or Parliament provided assistance, Dublin had, somehow, to be defended. Since defence by conventional means was excluded, there must be room for political manoeuvre. This involved playing off the Scots and Parliament against the Confederacy **as** well as against each other. Hence Ormond's anxiety to hear news of the mission of Fennell and Dillon to Waterford before taking any positive action.<sup>2</sup> Fennell and Dillon had reported on the state of their negotiations in two letters dated 11th and 12th September at a time when they

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<sup>1</sup> This fear, though unfounded, was very real; cf. "and it had been proposed in the last Assembly by Mr. Anthony Martin and others that they should call in a foreign prime for their protection" (Historical View, p. 1068).

<sup>2</sup> Ormond to Clanrickard, Sep. 23, Carte, VI, p. 432.



were not unhopeful of success.<sup>1</sup> For an unknown reason their letters did not reach Ormond until long after the clergy had summarily rejected their proposals on September 24th. Even though ignorant of the clergy's rejection, Ormond was furious at the news they contained, for he dissociated himself completely from the proposals that had been made.

It is a remarkable fact that, until now, Ormond had apparently not realised that the Ormondists still relied upon Glamorgan's concessions being ratified by the King independently of the Peace. Thus he had sponsored the good-will delegation to Waterford without appreciating what the basis of negotiations would be. For him, it had been the Peace and nothing but the Peace, while the Ormondists had naturally assumed that there must be more scope for discussion than would be afforded by <sup>that</sup> one point. On this occasion Ormond had undoubtedly been very short-sighted; the failure in understanding was entirely on his side. Nevertheless, he behaved as though he had been unfairly deceived.

If Fennell and Dillon thought for one moment that merely by offering their proposals they committed him, so he informed Digby, they were sadly mistaken.<sup>2</sup> Writing

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<sup>1</sup> Gilbert, VI, pp. 136-8.

<sup>2</sup> Carte, VI, p. 433.

to a correspondent, his secretary, Sir George Lane, stated that, as it was, Ormond had already stretched his concessions to the limit.<sup>1</sup> Ormond was explicit in reply to a letter from Colonel Fitzwilliam:

"If they (Glamorgan's concessions) be valid in themselves, they need noe corroboration; if invalid I have noe power to give them strength."<sup>2</sup>

It is significant that on September 23rd Ormond informed Clanrickard that he intended to approach Parliament without committing himself; that on the following day, having heard from Fennell and Dillon, he ended his letter to Digby with this curt statement:

"Force only my lord, there is noe dealing with this people but by force";<sup>3</sup>

that on the same day he received a letter from Fitzwilliam in which it was taken for granted that he would approve of the Glamorgan articles; and that on the 26th following this sequence of events he made a formal request to Parliament<sup>4</sup> and the Scots<sup>5</sup> for aid. That is to say, Ormond only

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<sup>1</sup> Ibid., pp. 433-4.

<sup>2</sup> T.C.P., XVIII, p. 308.

<sup>3</sup> See above p. 556.

<sup>4</sup> Cf. Lord Lieutenant and Council to the speaker of the House of Lords, Sep. 26, T.C.P., XVIII, p. 322; see also the Instructions of the Lord Lieutenant and Council to Sir Gerrard Lowther and others, Sep. 26, *ibid.*, p. 324; see also Ormond's Propositions to the Parliament of England, *ibid.*, p. 325.

<sup>5</sup> He asked the Scots for 1,500 troops, cavalry and ammunition. Gilbert (Bellings), VI, pp. 27-8.

finally turned his back on the Irish Catholics when he discovered the sort of terms with which the Ormondists hoped to placate the clergy.<sup>1</sup>

Yet how could Ormond have failed to know what was in the minds of his own supporters ? The only viable answer is that he was so utterly lacking in sympathy for the Catholic point of view in any matter concerning religion<sup>2</sup> that he was incapable of perceiving that the Confederate leaders expected certain minimum safeguards for their religion - safeguards which seemed so obvious to them as not to need spelling out. Given these respective attitudes, how right the clergy were to reject informal promises that their demands would be met.

So contemptuous of the whole Confederate movement

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<sup>1</sup> Almost a year later in a report to the King Ormond claimed that some of the Confederates sought to obtain confirmation of Glamorgan's concessions while he was still at Kilkenny and that Darcy and Plunket were in fact treating with the clergy while pretending to appease them. (Carte, VI, p. 534). If this had been so why the surprise at the news from Fennell and Dillon and why did the Ormondists behave as though they believed him well-disposed. Presumably Ormond was being wise after the event.

<sup>2</sup> Cf. his letter to Charles, Sep.27, Carte, VI, pp.435-6; see also his letter to Jermyn, Sep.29, *ibid.*, pp.436-7: "... the perfidy heere should force mee to counsell~~le~~ contrary to my former way of serveing his majestie and to my owne inclinations."



had recent events made Ormond that, through Fennell and Dillon, he asked for a cessation despite his appeal to Parliament.<sup>1</sup> They did not reply and, on his subsequent report to the King, he cited this fact as a convincing example of their intransigence.<sup>2</sup> From these and other indications, it can only be inferred that, after the Ormond Peace had been rejected, Ormond was incapable of regarding the Irish Catholics dispassionately. In fairness to him, however, it must be emphasised that he did not disguise his feelings. It was Digby and Clanrickard who managed negotiations for several weeks to come, in spite of rather than with his support.<sup>3</sup>

Clanrickard had also been hoping that Fennell and Dillon would be successful. And so had Preston with whom he kept in touch.<sup>4</sup> But when Preston heard of the clergy's

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<sup>1</sup> Carte, VI, p. 536.

<sup>2</sup> Ibid.

<sup>3</sup> An important fact. Ormond has often been accused of double-dealing because he negotiated with Parliament under cover of treating with the Confederates. In fact, he only barely tolerated the dealings of Clanrickard and Digby with the Confederates, even when the Parliamentary terms had proved to be excessive and the Scots unable to help.

<sup>4</sup> Clanrickard to Ormond, Sep. 18, Carte, VI, pp. 428-9; same to the same, *ibid.*, p. 429-31.

unfavourable response to the proposals put to them he apparently indicated that his hands were now tied, much to Clanrickard's annoyance. Yet Clanrickard did not despair. In his opinion the clergy commanded such little support that they could easily be overcome if the majority could be persuaded to assert their will. For the moment, it was necessary to temporise. Meanwhile, the French should be requested to give their support and Paris and Rome should be persuaded to repudiate Rinuccini. He therefore recommended a Truce to Ormond.<sup>1</sup>

Digby, too, remained optimistic.<sup>2</sup> So long as there was so much scope for intrigue he saw many possibilities. Above all, the animosity between Preston and O'Neill, described aptly by himself as greater than that displayed by the government in Dublin towards either,<sup>3</sup> was crying out to be exploited and he intended to make good use of the opportunity. He was not dismayed by Preston's apparent adherence to the clergy because he believed that the salvo which had greeted the Peace was a more reliable indication of where his loyalties lay.

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<sup>1</sup> Clanrickard to Ormond, Sep. 18, Carte, VI, pp. 428-9; same to same, *ibid.*, pp. 429-31.

<sup>2</sup> Cf. Digby to Clanrickard, Sep. 22, Add. MS. 42,063, p. 170. He saw why Ormond had decided to negotiate with Parliament but did not support his action.

His judgment was sound. Preston loathed O'Neill and disliked collaborating with the Nuncio against the New Irish. But, lacking the courage to take decisive action by himself, he had to be led by the nose. At the same time, like so many weak-willed men, he needed to feel that he was both strong and dependable. Furthermore, in one respect he was consistent; he was a devout Catholic. Digby and Clanrickard, for whom Preston had high regard, realised that they must be prepared to satisfy his spiritual scruples while turning his foibles to account.

Ormond, however, was reluctant to have any dealings whatsoever with Preston. On purely practical grounds he did not see how Preston could be seduced without giving him assurances which they had no authority to offer. In any case he suspected Preston of playing a double game, of merely pretending to betray Rinuccini so as to induce him to break off negotiations with the English Parliament. Ormond also had a wholesome respect for the terrible weapon of excommunication which could be used at any moment by the Nuncio to bring Preston to heel. Preston himself had unwittingly confirmed Ormond's fears by informing him on September 17th that he was prevented from obeying his instructions by the threat of excommunication.<sup>1</sup>

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<sup>1</sup>T.C.P., XVIII, p. 281.



Ormond was wrong to suspect Preston of conniving with the Nuncio but right to think he would require guarantees for the Catholic Church which could not be given. What is remarkable is that Digby and Clanrickard believed so strongly that he was prepared to give such guarantees that they were astonished and indignant when he later repudiated them.<sup>1</sup>

If Preston had refrained from coming to Ormond's rescue at Kilkenny, he had cautiously avoided giving a categorical refusal by saying he was indisposed. By keeping up this pretence afterwards he was able to keep in touch with Ormond,<sup>2</sup> with whom he still wanted an agreement shocked though he was by the failure of the Dillon-Fennell mission and <sup>though</sup> forced to play a part in the arrest of the Ormondists.

An indeterminate number of his officers - probably the great majority - apparently shared his views and discussed policy on terms of equality. Even before the march-out it was evidently decided to seek agreement with Ormond and then combine in an attack on the Ulster army. As early as September 22nd Colonel Fitzwilliam informed Ormond that Preston would declare for him on hearing that

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<sup>1</sup> See below pp 579-81.

<sup>2</sup> Cf. Preston to Ormond, Sep. 17, Gilbert, VI, p. 139; C.S.P.I., p. 519.

Glamorgan's concessions had been confirmed.<sup>1</sup> Ormond's rebuff to this overture,<sup>2</sup> coinciding with rumours of his approach to Parliament, stung Fitzwilliam to a hot reply,<sup>3</sup> yet failed to deflect Preston from his purpose.

The plot called for Preston to dawdle on the march through Leinster so that his army, heavily outnumbered at the outset by the Old Irish, could attract the disgruntled supporters of the imprisoned Ormondists and appear before Dublin equal in size to that of O'Neill. Then Preston, in conjunction with the Dublin garrison, would fall upon the Ulstermen.<sup>4</sup>

Whoever originated the plan, Digby and Clanrickard became actively involved in it<sup>5</sup>. It was by no means

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<sup>1</sup> T.C.P., XVIII, p. 308; see also Gilbert, VI, pp. 142-3.

<sup>2</sup> Sep. 26, T.C.P., XVIII, p. 308.

<sup>3</sup> Oct. 5, T.C.P., p. 308.

<sup>4</sup> Embassy, p. 226.

<sup>5</sup> Ormond later gave an officer, Sir John Donagan, credit for persuading Preston to break with the Nuncio's party. Donagan had been recommended to Ormond by the King in 1645. Ormond had given him a commission to raise troops and to join Preston in suppressing truce-breakers. Presumably Donagan continued in this work until Preston rejected the Ormond Peace. Then, as a loyal subject, he asked Ormond what he should do. Ormond evidently saw no wrong in ordering him to:

"remain among ye Irish, as of ye sd Preston's Army . . . to prosecute such designes as wee instructed to his management.

Apparently this was satisfactorily accomplished by Donagan - perhaps, he supported the activities of Clanrickard.

When Ormond quitted Ireland in 1647, he ordered Donagan to remain behind and to keep on good terms with the Irish. The evidence for this secret role among the Confederates is gleaned from a deposition made in his favour by Ormond in 1661 (Hill, pp. 467-8).

elaborate or rigid, as may be gathered from the several overtures about to be made to the Nuncio and even to O'Neill.

When the Confederate armies began their march against the capital,<sup>1</sup> O'Neill moved swiftly while Preston dallied on the way. At Athy, where he was joined by the Nuncio and the Council, O'Neill, still far from being as remorseless as opinion reported him and perhaps influenced by Daniel O'Neill, invited Ormond to a conference. Ormond declined<sup>2</sup> but Digby on his own account had decided already to risk having a meeting with him and also with the Nuncio.<sup>3</sup>

Throughout his last year in Ireland Digby was forced to live on his wits. The Protestants in Dublin, including at least some members of the Council, regarded him with suspicion and wished him kept out of the city;<sup>4</sup> Parliament considered him a renegade; and the Confederates, especially the Nuncio's party, looked upon him as treacherous and slippery. Even Ormond was reluctant to shelter him. At first this isolation led Digby to think of

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<sup>1</sup> Ormond was warned of the impending attack by Daniel O'Neill. Oct. 1, Aphor. Disc., pp. 708-9.

<sup>2</sup> Cf. T.C.P., XIX, p. 56.

<sup>3</sup> Digby to Ormond, Oct. 10, Carte, VI, pp. 439-40.

<sup>4</sup> Ormond to Digby, Oct. 5, Carte, VI, p. 438.



escaping to France and managing his plots from there.<sup>1</sup> When, however, he could not find a port from which to slip away, it became necessary to request a safe-conduct from the Confederates.<sup>2</sup> Being the ebullient conspirator he was he could not resist turning the invitation to Ormond to his advantage by attending in Ormond's place.<sup>3</sup>

Details of the meeting with Digby were provided by Rinuccini in a report to Rome. While admitting that he had impugned the Nuncio Digby claimed that he had thought thereby to help the King, for the rejection of the Peace, at the apparent instigation of the Nuncio, had been generally interpreted as a sign of friendship for Spain and had lost the King many supporters. In a transparent attempt to prove good faith he attributed his own departure from Dublin to Ormond's decision to join with the King's enemies. Quickly appreciating that this was a dangerous statement he hastened to add that even so

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<sup>1</sup> Cf. Ormond to Henrietta Maria, Sep. 29, T.C.P., XVIII, p. 355; Ormond provided Digby with a passport dated Oct. 8 (*ibid.*, XIX, p. 48).

<sup>2</sup> Digby personally requested O'Neill to give him a safe-conduct, *ibid.*, p. 336.

<sup>3</sup> It would seem that the meeting was arranged by Daniel O'Neill at Digby's instigation and that O'Neill only decided to invite Digby after consultation with the Nuncio and the Bishop of Clogher. Daniel O'Neill to Digby, Oct. 9, T.C.P., XIX, p. 55.

Ormond could still be reclaimed. Provided the Nuncio and the bishops openly associated themselves with the Peace he guaranteed to obtain letters from the King, the Queen and France, promising complete freedom of religion.<sup>1</sup> Rinuccini was unimpressed by Digby's arguments, which he rightly considered to be specious, and he rejected them.<sup>2</sup>

What had happened was that Digby had tried to engage the Nuncio's whole attention while he developed the plot with Preston and spotted weaknesses in O'Neill's army. He informed Ormond that Preston had only pretended to side with the Nuncio in order to have time to increase the size of his army to the same numbers as O'Neill's, an operation which would be completed within a few days. Provided he had assurances that Church interests would be safeguarded and provided Clanrickard should be appointed commander-in-chief of the joint army he would then turn against O'Neill. No doubt in anticipation of Ormond's likely objection to trusting Preston he claimed that even if Preston were to waver, most of his army would remain steady. To add zest to the conspiracy Digby made two proposals: first, that Ormond should sally forth and attack O'Neill's horse which only numbered 800 and were

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<sup>1</sup> Embassy, pp. 217-9.

<sup>2</sup> Com.Rin., II, p. 416.

in poor shape; secondly that Rinuccini should be kidnapped.<sup>1</sup>

Digby's only fear was that his ingenious plans should come to nothing through Ormond's lack of interest and determination to surrender either to the Scots or to Parliament. Thus, on one occasion he specifically enjoined Ormond to avoid committing himself to surrender and, on another, advised him against destroying the corn in the fields adjoining Dublin for to Preston's army this would seem a hostile act.<sup>2</sup>

Ormond, however, shared none of Digby's enthusiasm. The threat from O'Neill was clearly visible and he continued to believe that Preston was playing a double game. Thus, when he had made a strong protest against the Confederate armies appearing in arms before the city<sup>3</sup> Preston had replied evasively.<sup>4</sup> For all Digby's cleverness he was firmly opposed to the meeting with Rinuccini because he feared Digby would be used as a dupe. Certainly he was not going to be gulled:

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<sup>1</sup> Carte, VI, pp. 441-2; see also *ibid.*, p. 446; Digby's instructions for N. White, T.C.P., XIX, p. 123.

<sup>2</sup> ~~Carte~~, *ibid.*, pp. 433-4.

<sup>3</sup> Oct. 8, T.C.P., XIX, p. 42.

<sup>4</sup> Oct. 10, *ibid.*, p. 71; Gilbert, VI, p. 150.



"My lord, it will be too late to talke of an accomodation when they shall force vs to burne and destroy our quarters."<sup>1</sup>

Preston, he warned, would not be so forthcoming when his army was actually of equal size with O'Neill's. Besides, it was neither honourable nor wise to deal with the Confederates until word had been received from Parliament. As though suspecting Digby of making unwarranted proposals he went out of his way to define his own position. He would not go beyond the concessions he had been prepared to offer while at Kilkenny. Of course, it might be that as Secretary of State with special powers from the Queen and the Prince of Wales Digby's authority exceeded his own. The only features of Digby's scheme of which he could approve were the proposals to appoint Clanrickard as commander-in-chief and to profit from the enmity that existed between O'Neill and Preston.<sup>2</sup>

All this time Ormond was expecting to hear from the Scots and Parliament. Assistance from the Scots alone was what he would have preferred.

His appeal to them was powerful. If Dublin should fall, the full weight of the Irish Catholics would be

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<sup>1</sup> Oct. 12, Carte, VI, pp. 440-1.

<sup>2</sup> Oct. 16, *ibid.*, p. 442; see also T.C.P., XIX, p. 103.

pressed against them. If, on the other hand, Dublin had surrendered to Parliament, their bargaining strength with Parliament would be seriously weakened.<sup>1</sup> The Scots undoubtedly agreed with his arguments but felt they lacked the means to help.<sup>2</sup>

Ormond's appeal to Parliament was equally straightforward. Unless they wished to see Dublin fall into the hands of the Irish Catholics, they must send him instant relief. Initially it was his hope that Parliament would give him material support without expecting his surrender.<sup>3</sup> But Parliament, not to his surprise, refused to extricate him from his difficulties on such excellent terms. They were not disposed to prop up a beaten general knowing that at the first signs of recovery he would repudiate their support. Instead they welcomed his alternative suggestion of discussing the surrender of the city with commissioners sent over for that purpose.<sup>4</sup>

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<sup>1</sup> Gilbert (Bellings), VI, pp. 27-9.

<sup>2</sup> Cf. the Scots officers to Ormond, Oct. 9, T.C.P., XIX, p. 62; Gilbert (Bellings), VI, pp. 28-9.

<sup>3</sup> Although he offered to give up his place as Lord Lieutenant "if my continuance ther~~in~~ shall be the only impediment to their sending releefe, provided your majesty shall command it;" Ormond to Charles, Sep. 26, Carte, VI, p. 436; see also his additional instructions to Sir Gerard Lowther, Sep. 29, T.C.P., XVIII, pp. 341-5.

<sup>4</sup> Cf. Annesley and others to Ormond, Oct. 5, T.C.P., XIX, p. 29; see also Lowther, Willoughby, and Davis to Ormond, Oct. 13, *ibid.*, p. 150; C.S.P.I., p. 536.

There was still no news from England when Digby decided it was time to force Preston to commit himself once and for all. Preston had again invited Clanrickard to join his army and Digby went with him, accompanied by Taaffe. He assured Preston that Ormond would not surrender to Parliament provided he would declare his attachment to the Peace. All the clergy's terms could not possibly be met, but he and Clanrickard pledged repeal of the penal laws and undisturbed possession of ecclesiastical property until the King should otherwise dispose of it in a free Parliament.<sup>1</sup> On his own initiative, Clanrickard tried yet another approach to the Nuncio but to no purpose.<sup>2</sup>

Meanwhile suspicion reigned in the Confederate camp. Ironically Rinuccini distrusted Preston as much on one side as did Ormond on the other. Preston, he noted, had delayed twenty days on the march. He was also grumbling constantly and dropping hints about the desirability of co-operating with Ormond.<sup>3</sup> In an attempt to bind him and

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<sup>1</sup> C.S.P.I., pp. 532-3.

<sup>2</sup> Cf. Clanrickard to Digby, Oct. 20, Add. MS. 42,063, p. 174; Instructions for the Nuncio, *ibid.*, pp. 174-5; the Nuncio to Clanrickard, Oct. 25, *ibid.*, p. 176, politely declining his proposals.

<sup>3</sup> Embassy, p. 226.



to end his dealings with Ormond Rinuccini demanded that he and O'Neill swear an oath of loyalty.<sup>1</sup> Preston consented only on condition that Ormond be given an opportunity of hearing a fresh set of proposals before they attacked Dublin.<sup>2</sup>

It would appear certain that Preston made this proviso as the only means of avoiding an irreversible pledge to break off his negotiations with Ormond. But he was being driven inexorably to bind himself to one side or the other. While Digby<sup>3</sup> and Rinuccini were both trying to corner him, Ormond further embarrassed him by asking again what he intended by his continued advance towards Dublin.<sup>4</sup> Preston, an unsubtle man, plainly did not know which way to turn. Through Taaffe<sup>5</sup> and by personal letter<sup>6</sup> he talked of preparing proposals, of being willing to support Ormond as soon as security for

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<sup>1</sup> According to the oath Preston was to use all possible hostility against the King's forces especially "in the present expedition and design upon the enemy in the City of Dublin." (C.S.P.I., pp. 533-4).

<sup>2</sup> T.C.P., XIX, p. 131; Gilbert, VI, p. 150.

<sup>3</sup> T.C.P., XIX, p. 171.

<sup>4</sup> Oct. 27, T.C.P., XIX, p. 70; Carte, VI, pp. 448-9.

<sup>5</sup> Carte, VI, pp. 447-8.

<sup>6</sup> B.M., Add. MS., 42,063, p. 179.

his religion was conceded.<sup>1</sup> Such security was precisely what Ormond could not be induced to give. On November 2nd Digby finally notified Ormond that without it Clanrickard felt doubtful of Preston, although he continued to feel optimistic about his army.<sup>2</sup> Clanrickard himself confirmed this.<sup>3</sup>

On the same day the screws were tightened further on Preston. By now the two armies were encamped hard by Dublin. Appreciating the city's defensive weakness O'Neill was in favour of unleashing a surprise attack without delay. Demurring Preston pointed out that O'Neill was pledged to treat with the Viceroy before using force. O'Neill considered that this would be a dangerous temporising gesture but in the interests of solidarity yielded to a proposal put forward by Rinuccini,<sup>4</sup> who was constantly

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<sup>1</sup> Gilbert (Bellings), VI, p. 25.

<sup>2</sup> Carte VI, p. 449.

<sup>3</sup> Ibid., p. 450; Clanrickard also wrote to Preston (B.M., Add. MS. 42,063, p. 177) regretting that Preston had not accepted Digby's proposition. Nevertheless, he intended to see him on the following Friday.

<sup>4</sup> Com. Rin., II, p. 423.

trying to lessen the friction between them. This was that they should deliver a joint ultimatum demanding that the garrison of Dublin and a number of other strong points should admit Confederate detachments and that Roman Catholics should be as free in Ireland as in Catholic countries in Europe.<sup>1</sup>

So far, Ormond's attempts to obtain reinforcements had failed. There were rumours of the imminent arrival of troops and supplies from England, but by now he was doubtful of Parliament's good faith and placed little reliance on their promises.<sup>2</sup> The Scots, to whom he had despatched several urgent requests, would have sent aid had they been able.<sup>3</sup> Yet, in the event, only the scorched earth encircling the city and signs of a hard winter stood between Dublin and capitulation, unless Preston could be bullied or cajoled into changing sides. Ormond himself considered the situation almost hopeless. According to Clarendon he had written to the King asking what he should do.<sup>4</sup> This may have been so, but he could

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<sup>1</sup> According to Bellings (Gilbert, VI, pp. 36-8) these propositions were prepared by the Council and Congregation; see also Plunket-Dunne MS. p. 867; Historical View, pp. 1057-9.

<sup>2</sup> Gilbert (Bellings), VI, pp. 31-2.

<sup>3</sup> T.C.P., XIX, pp. 162-7.

<sup>4</sup> Historical View, p. 1061.



hardly have expected an early reply. Even so, in reply to Preston and O'Neill's ultimatum, he revealed no signs of weakness. By what authority, he wanted to know, did they make their propositions ?<sup>1</sup>

This negative response ought to have been the signal for the attack on Dublin but Preston, fortunately for Ormond, still could not bring himself to co-operate with O'Neill. His obstinacy so angered Rinuccini that he contemplated the desperate expedient of arresting him on a charge of treason.<sup>2</sup> At this point Clanrickard rode into Preston's camp.

Ormond had given Clanrickard little encouragement. If Preston made reasonable proposals, which he doubted anyway, he would be interested only if there were a complete submission to Clanrickard.<sup>3</sup> To Digby he expressed himself even more grudgingly. It was dangerous as well as useless to go among the Confederates. Even if Preston were, after all, to be moderate, he "should never be able to draw my party to listen to reason, your lordship appeareing in the business". He must in any case wait

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<sup>1</sup> Nov. 4, T.C.P., XIX, p. 188; Add. MS., 42,063, p. 181.

<sup>2</sup> Com. Rin., II, p. 427.  
Embassy, p.

<sup>3</sup> Carte, VI, p. 453; B.M. Add. MS., 42,063, p. 178.

and see what Parliament intended to do.<sup>1</sup>

When, on November 11, Clanrickard joined Preston at Lucan, where Preston had arrived on November 9th,<sup>2</sup> the two Confederate armies were encamped side by side, their two generals regarding each other with bitter distrust.<sup>3</sup> At first Clanrickard apparently tried to placate the Nuncio who was staying at Preston's H.Q. He was confident, he said, that Ormond would be amenable to terms provided that troops were sent to England.<sup>4</sup> But as the only security for good terms was Clanrickard's own word, the Nuncio remained unimpressed. He pointed out that they could scarcely be expected to continue negotiations with Ormond while Ormond was also negotiating with Parliament. If Ormond would dismiss the Parliamentary Commissioners, however, they would reconsider the position.<sup>5</sup> Clanrickard replied that he had no idea of the state of Ormond's negotiations with Parliament

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<sup>1</sup> Nov. 10, Carte, VI, pp. 452-3.

<sup>2</sup> Com.Rin., 11, p. 425.

<sup>3</sup> Embassy, p. 227.

<sup>4</sup> Clanrickard's proposals, T.C.P., XIX, pp. 222-3; Add. MS., 42,063, pp. 181-2.

<sup>5</sup> Embassy, p. 228; T.C.P., XIX, p. 218, p. 219; B.M., Add. MS. 42,063, p. 182.

but that in any case, he could not be expected to break off his negotiations with Parliament on the strength of a mere promise.<sup>1</sup>

In the meantime, intelligence had been brought to Preston's tent, where the two generals were holding a council of war, to the effect that Parliamentary troops had entered Dublin. Fearing a plot to trap his army, O'Neill instantly raised the siege.<sup>2</sup> In panic the Council also departed next morning. Rinuccini, however, decided to remain with Preston in spite of the fact that he, too, might be the intended victim of a plot.<sup>3</sup>

During the next few days, Clanrickard offered two further sets of proposals.<sup>4</sup> Rinuccini made his own comments on them but even after Preston had said that his own word would suffice he insisted on referring for a decision to the Supreme Council after which he now set off in pursuit in order to bring them back. Rinuccini continued to insist upon complete freedom for religion and retention of the Churches. He put it to Clanrickard that if Ormond refused these terms Clanrickard should

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<sup>1</sup> Ibid., p. 183.

<sup>2</sup> Aphor. Disc., p. 132; Embassy, p. 227.

<sup>3</sup> Com. Rin., II, p. 429; see below p. 578.

<sup>4</sup> Embassy, p. 216, pp. 228-9; T.C.P., XIX, p. 225; Hynes, pp. 117-8; Add. MS. 42,063, pp. 183-4.



take the Confederate oath.<sup>1</sup> Clanrickard apparently refused and the Nuncio continued on his way to Kilkenny.

In the meantime, Preston and a number of his senior officers had agreed to accept Clanrickard's proposals, provided they were expressed in writing, and to break with the Council if necessary.<sup>2</sup> Apparently two fears had deterred Preston and his friends from accepting terms. First, that Ormond's hostility to their religion was so great that he would oppose any concessions which the King should make. Secondly, that the Scots, in whose hands the King was a prisoner, would insist on any agreement being disavowed. Clanrickard sought to allay their fears by undertaking to obtain irrevocable guarantees from the King, the Queen and the Prince of Wales. He also assured them that Ormond would be obliged to carry out any instructions given to him.<sup>3</sup>

The terms which he pledged himself to procure were generous. All Acts of Parliament restricting the freedom of the Catholic Church were to be repealed. Until a free Parliament could be summoned and the King was once again a free agent, the Confederates were to retain all

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<sup>1</sup> Gilbert, VI, p. 156; Com.Rin., II, p. 430; Add. MS., 42,063, p. 184.

<sup>2</sup> Digby to Ormond, Nov. 16, Carte, VI, pp. 455-7.

<sup>3</sup> Historical View, pp. 1061-4.

the ecclesiastical property in their possession. Then it would be a matter for Parliament to resolve. In the meantime, a Roman Catholic Lieutenant-General and Catholic generals should be appointed to command the armies in the field. For his part, Clanrickard swore to fight for these concessions and to declare irrevocably for the Confederacy if he did not obtain them by September 1st in the following year.<sup>1</sup>

Digby, who was standing in the background directing Clanrickard<sup>2</sup> and who had been warned to keep out of Dublin where Ormond was optimistically waiting for news from the Scots,<sup>3</sup> was elated at this development; it was something to have won over Preston's army. He had obviously abandoned, at least temporarily, his plan to go to France and was as full of enthusiasm as ever, even proposing that an attempt be made to kidnap Owen Roe and the Nuncio.<sup>4</sup>

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<sup>1</sup> The Marquis of Clanrickard's Engagement, C.S.P.I., p. 541; T.C.P., XIX, pp. 222-3; B.M. Add. MS. 42,063, p. 186; see also the 'Engagement' of Preston and his officers (ibid., p. 185).

<sup>2</sup> Clanrickard to Ormond, Nov. 19, Carte, VI, pp. 460-2; see also "The Lord Digbyes Declaration upon my ingagem<sup>t</sup> the 19th of Novemb. 1646" (B.M., Add. MS. 42,063, p. 188); see also Clanrickard's detailed justification of his 'Engagement' (ibid., pp. 188-90).

<sup>3</sup> Ormond, to Digby, Nov. 12, Carte, VI, p. 453.

<sup>4</sup> Digby to Ormond, Nov. 13, ibid., pp. 454-5; same to same, Nov. 13, T.C.P., XIX, p. 261, recommending that Ormond's horse vigorously pursue O'Neill so that he could not "gather heade againe"; same to the same, Nov. 16, Carte, VI, pp. 455-7.

But, as usual, Digby was counting on success to soon, for Preston had consented only on condition that a garrison - he suggested three regiments - be admitted into Dublin. It was also necessary that Ormond should declare his approval of Clanrickard's proposals and issue the requisite commissions to Clanrickard and Preston without delay.<sup>1</sup> For some reason both Digby and Clanrickard<sup>2</sup> assumed that they had Ormond's backing in what they arranged, but in fact Ormond disliked the whole business<sup>3</sup> and refused to give Preston his commission unless he submitted to the Ormond Peace. At this moment he was engaged in the delicate operation of getting rid of the Parliamentarians without giving offence to the Dublin Protestants. He expressed his feelings about Preston with pointed strength; he would not venture to lose Protestant support "for soe vncertaine a party as you deale with."<sup>4</sup>

Ormond's curt reply angered Digby. Immediately he inquired why Ormond could not send a kind and civil

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<sup>1</sup> Same to the same, Nov. 19, *ibid.*, p. 462.

<sup>2</sup> Clanrickard to Ormond, Nov. 19, *ibid.*, pp. 460-2; he had in no way compromised himself.

<sup>3</sup> This may be inferred from Digby's letter of November 19th.

<sup>4</sup> Carte, VI, p. 463.



letter to Preston and suggested that Clanrickard's commission at least should be despatched at once. He warned that the army could not be held together unless committed to action fairly soon.<sup>1</sup> Before Ormond could reply he had dashed off an even angrier letter in which he pointed out that if Ormond had objected to Clanrickard's handling of the situation he should have made his views clear long before this. Already the army was beginning to suspect that they were to be rejected and Preston that he had been used as a dupe.<sup>2</sup>

Quite obviously this was yet another occasion on which Ormond, reluctant to make an irreversible decision, had allowed himself vaguely to support Digby's scheme without being clear what it entailed and resenting having to deal at all with the Confederates. He now defended himself on the grounds that, as he had been very busy trying to get rid of the Parliamentarians, he had not heard news of what Clanrickard and Preston had agreed to until November 18th. Now he had to object to the part assigned to him in the agreement for several reasons: the necessity of publicising Clanrickard's assurance; the implication that he approved of Clanrickard's engage-

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<sup>1</sup> Ibid., pp. 466-7.

<sup>2</sup> Nov. 22, *ibid.*, pp. 467-8.

ment when he did not do so; the admission of Preston's forces to the garrison. As for the amendment concerning the Pope, this was monstrous.<sup>1</sup>

Equally obviously, Digby and Clanrickard were bitterly convinced that Ormond had <sup>u on</sup>reneged~~ed~~ his promise of support.<sup>2</sup> Digby was appalled at his letter and as good as accused Ormond of behaving dishonourably.<sup>3</sup> Clanrickard was also dismayed and complained of having laboured so hard in vain. Ormond's failure to send a civil letter to Preston had done irreparable harm and ruined their chance to destroy O'Neill. Nonetheless, despite their genuine hurt and consternation, both were still trying to hold Preston, but Digby warned that only a few days of respite were left.<sup>4</sup> Clanrickard still believed that all would turn out well if Ormond would consent to obey all commands freely sent by the King or from the Queen, the Prince of Wales and Digby, in

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<sup>1</sup> Ormond to Digby, Nov. 23, *ibid.*, pp. 468-71.

<sup>2</sup> Cf. Clanrickard's retrospective note (B.M., Add. MS. 42,063, p. 194): ".... & by some unwillingnes to have us come to Dublin wee were in doubt he was inclined rather to some treaty wth the parlament commissioners then wth Gen: Preston and his party."

<sup>3</sup> *Ibid.*, pp. 471-7.

<sup>4</sup> *Ibid.*, Clanrickard to Ormond, Nov. 24, *ibid.*, pp. 477-8; B.M., Add. MS. pp. 193-4.

descending order, and reject all commands issued by the King under duress.<sup>1</sup>

Suddenly, at this point, Ormond made a volte-face. He explained that the form in which he had received Clanrickard's engagement had led him to believe that he was committed personally to impossible conditions. Now understanding that this was not the case, he would instantly send a commission to Clanrickard and a letter of authority to Preston.<sup>2</sup> True to his word, he wrote to Preston expressing the hope that he would see him soon and bidding him yield obedience to Clanrickard.<sup>3</sup> And to Clanrickard he gave the assurances requested on the 25th.<sup>4</sup> Ormond was probably being truthful when he claimed that he had misunderstood Clanrickard's pledges on his behalf but it is doubtful if this were the main reason for his change of heart. It is much more likely that it was inspired by the departure of the Parliamentary Commissioners from Dublin, with which it happened to coincide to the very day!<sup>5</sup>

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<sup>1</sup> Nov. 24, Carte, VI, pp. 478-9.

<sup>2</sup> Nov. 25, *ibid.*, pp. 479-80.

<sup>3</sup> Nov. 25, *ibid.*, pp. 481-2; B.M., Add. MS., p. 196.

<sup>4</sup> Nov. 26, Carte, VI, p. 483; B.M., Add. MS., p. 195.

<sup>5</sup> Ormond reported the imminent departure of the Commissioners in a letter to Clanrickard dated November 25th, Carte, VI, p. 479.



The Parliamentary Commissioners had arrived in Dublin on November 14th to discuss the terms of surrender.<sup>1</sup> Immediately afterwards, news must have been received of O'Neill's hasty withdrawal. There is no corroboratory evidence but Ormond was obviously much less anxious to come to terms when he saw that the threat to Dublin had been removed. He was quite willing to play off Parliament against the Confederates so long as he could surrender in the last resort to the former. Fortuitiously, the Commissioners were not empowered to be generous and he was able, no doubt sincerely, to find two good reasons for breaking off discussions with them. First, they had not obtained the King's directive that he should surrender as he had requested.<sup>2</sup> Secondly, they refused to give a pledge not to interfere with the lives and property of those Catholics who had remained loyal.<sup>3</sup> In their turn, the Parliamentary Commissioners found Ormond difficult. In the report of their failure

"for that the Lord of Ormond hath insisted upon several exceptions most of the overtures made unto him, and upon the whole hath given his positive refusal."<sup>4</sup>

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<sup>1</sup> Lord Lieutenant and Council to the King, Nov. 28, T.C.P., XIX, p. 344.

<sup>2</sup> Ibid.

<sup>3</sup> Plunket-Dunne MS., p. 877; Carte, VI, p. 537.

<sup>4</sup> C.S.P.I., p. 543.

It is almost certain that the breaking-off of the discussions with the Parliamentary Commissioners was the direct cause of Ormond's sudden decision to support Digby and Clanrickard in their intrigue with Preston.

The acrimony of the past few days forgotten, Ormond, Digby and Clanrickard conferred together. Afterwards Ormond informed Preston that he would admit some of his troops into the garrison and proposed that they should meet on the following day.<sup>1</sup> This meeting did not take place because Ormond promptly fell ill, genuinely<sup>2</sup> or feignedly, and could not attend. Instead, he apparently arranged to see Preston at Castledermot as soon as possible.<sup>2</sup>

Ormond's inability to see Preston at the agreed time had unforeseen consequences, for as in the weeks following the proclamation of the Ormond Peace, Preston now began to waver. Even when signing the 'engagement' with Clanrickard he had not been fully prepared for a clean break with the Council and the Nuncio. Thus, he had explained to some of the 'Irish Lords' how he had struggled to keep the army together for six weeks without pay, how O'Neill had withdrawn from the siege without notice, and how the best thing was to submit to the Peace on fair

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<sup>1</sup> Nov. 26, *ibid.*, pp. 482-3.

<sup>2</sup> Gilbert (Bellings), VI, pp. 43-4.

terms.<sup>1</sup> This was followed by letters to the Council, the Mayor of Kilkenny and, curiously enough, Owen Roe O'Neill, urging acceptance of the Peace and, in the case of the Council, a reply to Clanrickard's proposals.<sup>2</sup>

Once again belying his reputation for intransigence and showing himself to be more of a statesman than his critics, Owen Roe agreed to accept Clanrickard's proposals if Rinuccini and the Council would do likewise.<sup>3</sup> In fact, they did not do so. This was scarcely surprising. Though Rinuccini and Clanrickard had conferred and corresponded on amicable terms, and though each indeed gained the false impression that he might even convert the other,<sup>4</sup> Clanrickard had in the end to say that he, too, would dearly like to see the Catholic faith flourishing as Rinuccini desired but that it was not feasible for reasons which he expounded at great length.<sup>5</sup> Consequently, it was a foregone conclusion that Clanrickard's proposals

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<sup>1</sup> C.S.P.I., pp.542-3.

<sup>2</sup> Nov. 24, *ibid.*, p. 542; Com.Rin., II, p. 446.

<sup>3</sup> Aphor.Disc., p. 132.

<sup>4</sup> Com.Rin., II, p. 429; Embassy, p. 234; Digby to Ormond, Nov. 19, Carte, VI, p. 462.

<sup>5</sup> Com.Rin., II, p. 430; Carte, VI, pp. 463-6; B.M., Add. MS. 42,063, pp. 191-3. The Nuncio replied quite courteously but rejected all of Clanrickard's arguments (B.M., Add. MS. 42,063, p. 193).



would be rejected. Formal rejection was announced by the Supreme Council on November 24th. It left no room for compromise. In the first place, Clanrickard had no authority and, in the second, even if he had, his engagements were inadequate from the point of view both of the Church and the army.<sup>1</sup> The Council simultaneously coldly accused Preston of having brought on his own troubles and ordered him to obey the properly invested authority.<sup>2</sup>

For once Preston was prepared to stick to his guns but Ormond's failure to meet him as arranged, whatever the reason given, left him a prey to uncertainty. At any rate through one of his officers he informed Ormond that news of Ormond's unwillingness to receive his troops into the garrison changed everything. Most of his officers now preferred to take no action pending the summoning of a General Assembly and the outcome of its debate. If Ormond still wished to conclude an agreement, he had better make haste.<sup>3</sup> During the next few days the quarrel between the Council and Preston came to a head. Rinuccini issued a decree of excommunication against anyone

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<sup>1</sup> C.S.P.I., pp. 546-7; Gilbert, VI, p. 158.

<sup>2</sup> C.S.P.I., pp. 544-5.

<sup>3</sup> Col. Butler to Ormond, Nov. 30, T.C.P., XX, p. 133.

who should join with Preston in supporting Ormond,<sup>1</sup> the Council ordered Preston's army to disperse,<sup>2</sup> and efforts were made to bring Preston to Kilkenny.<sup>3</sup>

In the meantime, Ormond had recovered from his illness. He decided, reluctantly, to join Preston as requested in Butler's letter. He would meet him at Castledermot and there issue commissions to himself and his officers.<sup>4</sup> While Ormond was on the march-out, Preston was in Kilkenny allowing himself to be dissuaded from keeping the rendezvous. Consequently, when Ormond arrived at Grangebegg he received a letter sent by Preston to Clanrickard in which Preston wryly observed that as his soldiers were not "excommunication proof"

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<sup>1</sup> Com.Rin., II, pp. 450-2.

<sup>2</sup> Ibid.

<sup>3</sup> Supreme Council to Preston, Dec. 4, C.S.P.I., p. 553; Bp. French to Preston, Dec. 4, ibid., p. 554.

<sup>4</sup> Ormond to Preston, Dec. 2, T.C.P., XIX, p. 347. Ormond's distaste for the business was expressed in a letter he wrote to "a certain officer from Lucan" (Plunket-Dunne MS., p. 878): "That I may leave no means unattempted to prevent the ruine of his Majesty's affairs whilst I have an hand in them, I have undertaken an expedition whereunto I was invited by a considerable party of the Irish. But I confess I go rather to leave them for ever inexcusable if they should faile me, than that I have any assured confidence of performance. Such are the impressions their former failures have left in me."

he must bow to the Clergy and rely on a satisfactory outcome to the forthcoming debate in the General Assembly. He asked Ormond not to bring his army out of Dublin and still insisted that he stood by his engagement.<sup>1</sup> A short time later he pinned the blame for his failure on his officers because they had refused to join with Ormond.<sup>2</sup>

Ormond, Digby and Clanrickard were all enraged by this turn of events,<sup>3</sup> although Clanrickard continued to correspond with Preston.<sup>4</sup> Digby proposed to pay a visit to France so as to obtain supplies and throw discredit on the Nuncio.<sup>5</sup>

As for the Nuncio himself, rightly convinced that Preston could never be trusted, he sought to end his attachment to Ormond once and for all. At his prompting, Preston was forced to declare his reasons for withdrawing

<sup>1</sup> Gilbert (Bellings), VI, p. 44; Preston to Clanrickard, Dec. 8, C.S.P.I., pp. 555-6; see also Historical View, p. 1065.

<sup>2</sup> Carte, VI, pp. 483-4.

<sup>3</sup> Clanrickard bitterly accused Preston of breaking his agreement; Add. MS. 42,063, pp. 197-8.

<sup>4</sup> Digby asked Clanrickard to obtain letters from leading Catholics confirming that most of their co-religionists opposed the Nuncio's policy (Add. MS. 42,063, p. 201).



from his engagement to Clanrickard<sup>1</sup> and to sign a formal statement of reconciliation with O'Neill.<sup>2</sup>

By this time Rinuccini had recovered the grip which, to some extent, he had lost in the days immediately following the raising of the siege of Dublin. During that period of uncertainty he had accepted two proposals made by the Bishop of Ferns and Nicholas Plunket ~~and~~ which he later came bitterly to regret.<sup>3</sup> One was to convene a General Assembly to decide definitely whether the Ormond Peace should be rejected, the other to release those Ormondists who had been put in prison at the time of his triumphant return to Kilkenny in September.<sup>4</sup> French and Plunket both deprecated extreme courses and no doubt submitted their proposals as a sensible and democratic way of determining what should be done. Their moderate outlook obscured for them the fact that by now the Ormondists and Rinuccini were irreconcilable.

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<sup>1</sup> Dec. 22, T.C.P., XIX, p. 406; Gilbert, VI, p. 167.

<sup>2</sup> Com.Rin., <sup>II</sup>, pp. 476-7; Embassy, p. 509.

<sup>3</sup> In his report on his ill-starred embassy to Ireland he was to blame all his subsequent troubles on the adoption of these proposals (ibid.).

<sup>4</sup> Ibid., p. 510.

#### Chapter XIV

##### The abortive mission of Winter Grant, January - July, 1647.

After this latest example of Preston's inconstancy it was inevitable that Ormond should revert to his plan of surrender to the English Parliament. There was only one reason for hesitation. Having put off his departure for so long he might as well wait and see what the outcome of the forthcoming debate at Kilkenny would be. Indeed, according to Clarendon, he believed that the Assembly was bound to be so constituted as to condemn those who had rejected the treaty.<sup>1</sup>

Well-/  
Unusually attended from the outset the 7th General Assembly of the Confederacy sat from January 10th until April 4th. By all accounts it was a noisy and heated session<sup>2</sup> with both Nuncioists and Ormondists determined to justify their recent policies. Each side had apparently tried hard beforehand to obtain the return of its own supporters, and when the members had convened the validity of a number of elections ~~had~~ was<sup>3</sup> hotly disputed.

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1. Historical View, p.1065; see also Ormond to Clanrickard, Jan.8, Carte,Vl, p.489.

2. Gilbert (Bellings),Vl,p.2; Embassy, pp.244-5.

3. Gilbert (Bellings),Vl,p.1; see also Clanrickard to Ormond, Jan.8, Carte,Vl,p.490; Com.Rin.,ll,p.495.

Congregation was summoned to meet on or before the opening day of the session and turned up at full strength.

Rinuccini was determined that ecclesiastical policies should be adopted and to this end he wished to ensure clerical solidarity and to present the Assembly at the outset with a clear-cut statement of aims.<sup>1</sup> Accordingly, a statement of the conditions judged to be necessary for the security of religion was released on January 10th in time for the official opening of the Assembly.<sup>2</sup>

At about this time there also appeared under the authority of Rinuccini the first part of a pamphlet - the second part appeared later on in the year - by Dr. Walter Enos, treasurer of the diocese of Ferns, which recounted with copious documentation the clergy's reasons for having rejected the Ormond Treaty. This is without doubt the most authoritative statement of the views of the Old Irish and the Church <sup>which</sup> it is possible to come by. The sub-title pithily summarised its main contents:

"In which survey it is proved by notable observations on some of the said articles, that the said Peace is destructive of the Catholique Faith, disadvantageous to His Majesty, pernicious to his Catholique subjects, and favourable onely to rebellious Parliamentary Heretiques" <sup>3</sup>

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1. Considerations upon the future Assembly, Dec.30, Embassy, pp.237-9.
  2. Gilbert, VI, pp.171-2.
  3. Ibid., pp.311-433.



The all-important debate on the Ormond Treaty did not begin until the end of the first week. Rinuccini intervened early with one of his magisterial speeches. He had little that was new to say about the clergy's motives for rejecting the treaty but made one interesting announcement. The clergy had taken over the government of the country out of sheer necessity and not because they considered it an adjunct of their ecclesiastical function. Now that a general assembly had been convened they willingly surrendered their authority and he personally resigned from the office of president. Constructively, he proposed that the assembly and the clergy should agree as to the religious conditions which should form the basis of any peace and that a new oath of association should be devised binding everyone to stand firmly by them. As usual, he reminded them of the papal support they were privileged to enjoy, pointing out that Massari was already on his return journey from Rome with supplies.<sup>1</sup>

The counter-offensive against the Nuncio was led by Bellings<sup>2</sup> with the French agent, Dumoulin, giving close support. Like all the French envoys to Kilkenny, Dumoulin looked upon Rinuccini as a puppet of the Spaniards who, if triumphant over the Ormondists, would turn Ireland into a vassal of Spain. It

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1. Com.Rin., 11, pp.497-500; Embassy, pp.241-4.

2. Those who had been imprisoned were granted permission to appear before the Assembly and plead justification for their past actions (*ibid.*, pp.510-11).

was therefore essential to preserve the strength of the Ormondists and, if possible, to restore good relations between Ormond and the Confederacy. Thus having played an active part in furthering the Ormond Treaty, Dumoulin was now bent on salvaging it. In a speech to the Assembly on January 19th, at which he presented his credentials, he declared that Mazarin and Louis XIV had approved of the Ormond Peace and, indeed, that the King had been surprised by the clergy's resolutions at Waterford.<sup>1</sup>

However, Rinuccini was able to produce a letter from the Papal Nuncio to France, Cardinal Bagni, dated November 20th, 1645, stating clearly that the French Court could only countenance a treaty which provided for the security of the Church.<sup>2</sup> Dumoulin retorted with an "expostulation", as Rinuccini put it, to the effect that Louis XIV would consider rejection of the peace inexcusable.<sup>3</sup> Oddly enough, Dumoulin believed this to be the truth, and yet all doubts on this score would seem to have been dispelled when Geoffrey Barron returned from France after the peace had in fact been rejected and vouched for Bagni's statement.<sup>4</sup>

Through Bellings the Ormondists struck at what appeared to be the Nuncio's least vulnerable flank by alleging that he was frustrating the Pope's own intentions. Bellings

1. T.C.P., XX, p.99; Gilbert, VI, pp.173-6.

2. Embassy, p.249.

3. Ibid.; Gilbert (Bellings), VII, p.6; Gilbert, VI, pp.176-7.

4. Embassy, pp.250-1; in his narrative Bellings accused Barron of suppressing contrary evidence (Gilbert, VII, pp.6-7).

attributed to the Pope in the course of an audience given Be him when he was in Rome - an audience of which Fr. Wadding had been a witness - the observation:

"that it was no wonder your King should not think it safe for him to grant the conditions publicly, which we demanded, lest he should lose his party in England; you might make use of his connivance." 1

According to Bellings a number of the clergy accepted his testimony<sup>2</sup> but Rinuccini claimed that it made little impression.<sup>3</sup> Certainly it had no effect on the final issue.

Despite the frenzy attributed to them by Bellings and despite controlling a comfortable majority in the Assembly, the clerical party were reluctant to condemn their opponents out of hand. Indeed, they refrained from casting a straightforward vote against the peace since this in itself would have been an implicit censure. The clergy also rejected Scarampi's advice that if the annulment of the peace were not resolved as a distinct and preliminary issue they should take no further part in the proceedings of the Assembly.<sup>4</sup> It is true that they could afford to be magnanimous, true also that in the opinion of Rinuccini - for one - the underhand practices of the treaty-makers had been laid bare to the public eye;<sup>5</sup> nevertheless, had they been really vindictive they would not have spared the Ormondists national humiliation.

1. Rinuccini reported the Pope's statement thus: "...and if unable to secure public security to be content with a secret one." *Embassy*, p.251.

2. Gilbert, VII, p.4.

3. *Embassy*, pp.251-2.

4. *Ibid.*, pp.246-7.

5. *Ibid.*, p.246.



As it was, a committee was appointed to work out an acceptable compromise.

The General Assembly formally revoked the Ormond Peace on February 2nd. Simultaneously, those who had arranged it were absolved from blame,<sup>1</sup> only 12 dissentient votes being cast out of a possible 300.<sup>2</sup> It is far from easy to decide whether it is Rinuccini or Bellings who gives the more accurate account of the proceedings leading up to this compromise. Presumably Rinuccini deserves more respect because his account dated from within a few days of the debate whereas Bellings wrote over twenty years later. It was also Rinuccini's clerical party which commanded the majority vote and could therefore arrange or prevent a compromise.

In Dublin, Ormond had been impatiently waiting for news of the crucial vote. So far as he could, he had tried to influence the course of the debate and at least to obtain accurate reports by sending Taaffe and Barry to Kilkenny under safe-conduct (provided by the Confederacy after some delay)<sup>3</sup> ostensibly for the purpose of arranging a truce of one month in return for a subsidy of £1,000.<sup>4</sup> But the Assembly had firmly refused his envoys a hearing until they had voted for or against the Ormond Peace.<sup>5</sup>

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1. Gilbert, VI, pp.177-8.

2. Embassy, p.248.

3. Cf. Plunket to Ormond, Jan.25, T.C.P.,XX, p.120; Gilbert, VI, p.173.

4. *Ibid.*, pp.172-3.

5. Embassy, p.248.

When news of the Assembly's unfavourable decision at last reached him, Ormond wrote instantly to the Parliamentary Commissioners accepting their latest terms.<sup>1</sup> He had little choice. His most recent instructions from the King had been to surrender to Parliament rather than to the Irish and there was no means of communicating with the King to ascertain whether or not he had changed his mind. Moreover, since learning of Preston's treachery the Dubliners had refused to contribute any more to the upkeep of his army.<sup>2</sup> Apart from these considerations he was extremely angry. As he wrote to Barry on Febr<sup>u</sup>ary 12th, he would invite no further propositions from "those people".<sup>3</sup>

At the same time he was in no position to resist a second assault on Dublin.<sup>4</sup> It was necessary, therefore, to arrange a truce in order to hold off the Confederate armies while he thrashed out the final settlement with the Parliamentary Commissioners. Since he was hoping to take his army out of Ireland as part of the bargain,<sup>5</sup> the negotiations might take some time. This is the sole explanation of his intermittent correspondence with the Confederacy during the next five months before he finally quitted the country. And yet, such was the apathy of the Confederacy that, however grudgingly, they consented to several renewals of the truce and made no plans to encircle Dublin.

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1. Feb. 5, T.C.P., XX, p. 158.

2. Historical View, p. 1065.

3. Feb. 12, T.C.P., XX, p. 191; Gilbert, VI, pp. 182-3.

After the resolution rejecting the Peace had been carried, the proposals for securing Catholic interests drawn up by the clergy and published on the opening day of the Assembly were tabled and debated.<sup>1</sup> Initially, they were under nine heads and amounted to a guarantee of complete freedom for the Catholic Church in Ireland. Appointments to bishoprics and livings were to continue as under the present dispensation. The clergy should keep the property in their present possession as well as any further property they should acquire pending a national settlement. Wherever Catholics outnumbered Protestants they should occupy the Churches and everywhere their priests should be entitled to receive the customary tithes from Catholic landowners. Colleges and Universities should be founded according to the rules of the Church. A new oath of association should be devised binding everyone to abide by these proposals.<sup>2</sup> The substance of these clerical conditions was finally reduced to five articles.<sup>3</sup>

The Ormondists, despite their recent humiliation, managed to diminish the effect of this oath by forcing through two major amendments: first, that it should not rule out the arrangement of a compromise by the Assembly over the churches

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4. As he informed the King on February 19th (T.C.P., XX, p.207), Dublin and the other garrisons must fall to whomever attacked them first. He also appealed to Inchiquin for 50 barrels of powder (ibid., p.170).

5. Digby was to negotiate for the services of the army abroad by authority of Ormond's commission. Ibid., p.205.

1. According to Rinuccini (Embassy, p.252) they were accepted after lengthy discussion. In fact, they were drastically changed.

2. T.C.P., XX, p.65; Gilbert, VI, pp.171-2; Com.Rin, II, pp.510-13; Gilbert

3. To Rinuccini's regret they excluded provision for a (Belkings) Va. pp.12 Catholic viceroy. Rinuccini to Pamphili, Mar.4, Embassy, p.257.



and church property in Protestant hands; and, secondly, that the right to stick to or depart from the clergy's articles be reserved to the Assembly.<sup>1</sup> It was also significant that when the Assembly came to discuss the faculty of appointing to vacant sees and benefices they questioned the procedure that had been adopted in 1642. Claiming that the presentation of bishops was one of the royal prerogatives they were pledged to preserve, they proposed that ~~should~~ presentations should rest henceforward with the Supreme Council, the archbishops and the chapters. Rinuccini stood out against this proposal but thought it politic to refer their supporting arguments to Rome, where, he felt sure, no sympathy would be shown to them.<sup>2</sup> As he himself must have been fully aware, the ulterior object of this proposal was to take away the right of appointment from the Pope and therefore, in practice, from himself.

Rinuccini was rapidly losing the initiative. Proof of this came when the question of reopening negotiations was raised by some members of the Assembly. Naturally, Rinuccini wished to see a second attack launched against Dublin without delay and Ormond expelled from Ireland.<sup>3</sup> Somewhat illogically, the opposition urged as against this the necessity of making

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1. Com. Rin., II, pp. 513-15.

2. Rinuccini to Pamphili, Mar. 1, Embassy, pp. 253-6.

3. Com. Rin., II, pp. 520-3.

a truce, if not a general agreement with Ormond, so as to prevent him from surrendering to Parliament. Despite having reason on his side, Rinuccini was compelled to yield, for they refused otherwise to register a vote in support of the clergy's proposals concerning the security of church interests.<sup>1</sup> His only satisfaction was that he managed to modify the conditions to be submitted to Ormond in such a way as to make it difficult for Ormond to accept them.<sup>2</sup>

Other signs appeared of the reviving influence of the Ormondists. Thus an attempt to impeach Preston for his part in hindering the attack on Dublin failed completely.<sup>3</sup> Again Rinuccini himself had to admit that although the new oath of association was taken without demur, each interpreted it particular in his own way.

Having first agreed to extend the truce from February 20th until March 13th, the Assembly delegated Barron and Fennell to convey their propositions to Dublin. Their terms were as follows:-

- i. Each side should retain its present quarters.
- ii. Both sides should fight against the common enemy.
- iii. Dublin should be secured against the Scots as well as Parliament.
- iv. There should be religious freedom and security of life and property for Catholics dwelling within Ormond's quarters.
- v. No one should be permitted to remain in Ormond's quarters who refused to accept these conditions.

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1. Ibid., p. 523

2. Ibid., pp. 524-6.

3. Order of the General Assembly, Jan. 13, C.S.P.I., p. 585; Articles against General Preston, Feb. 8, Gilbert, VII, p. 336; T.C.D., 3.11.173-4; the clergy specifically attacked Preston in a document dated April 1st, after no action had been taken against him (*Com. Rin.*, 11 pp. 557-8; Rinuccini to Sanzivolo, Apr. 7, Embassy, pp. 270-1).

- vi. The Confederacy would contribute to Ormond's expenses and allow him to collect his rents from his estates. 1

Ormond, now in the thick of negotiations with Parliament and in touch also with the Scots,<sup>2</sup> had no intention of treating these conditions seriously. He had been informed already that Parliament would accept his surrender<sup>3</sup> and was on the point of handing over his son and several others as hostages pending a definitive agreement and the occupation of Dublin by Parliamentary troops.<sup>4</sup> None the less, he pretended to discuss the proposals and asked such questions as: what quarters would they allow him; did they want an actual merging of forces or was each side to prosecute the war against the common enemy on its own account? On March 5th he promised an answer to the two delegates<sup>5</sup> and a few days later asked them for more information.<sup>6</sup>

Time passed and the promised answer was not given. In the meantime, the Confederacy had consented to a further prolongation of the truce for a fortnight, three weeks, or a month, as Ormond should decide.<sup>7</sup> Eventually, Plunket, on the Assembly's behalf, reminded Ormond of his promise and

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1. Gilbert, VI, pp. ~~182-4~~ pp. 185-6.

2. Propositions for reconciling the Scots in Ireland, T.C.P., XX, p. 149; Monro was to be given a title and an estate.

3. Carte, III, p. 304.

4. Ibid., pp. 304-5.

5. Ormond's questions to the delegates, Gilbert, VI, pp. 186-7; his promise to give an early answer, *ibid.*, p. 187.

6. This may be inferred from a letter which Fennell wrote to Ormond on March 18th, T.C.P., XX, p. 301; Gilbert, VI, pp. 190-1.

7. For the documents authorising further extensions of the truce see Gilbert, VI, pp. 182-4; pp. 187-8; pp. 189-190.



requested a prompt reply by his messenger.<sup>1</sup>

Ormond still withheld his answer for two more days and then attributed his long silence to the difficulty he had experienced in mastering their propositions. In any case, he was obliged positively to refuse them.<sup>2</sup>

This was too off-hand even for the Ormondists - if Rinuccini reported accurately<sup>3</sup> -, especially as definite intelligence was by now being received of the measures being taken for the capitulation of Dublin.<sup>4</sup> It was now only too plain that Ormond had merely pretended to examine their proposals in order to gain time for his other plans to mature. Consequently, for a short time relations between Kilkenny and Dublin were peremptorily suspended. Yet no attempt was made by the Confederacy to anticipate the entry into Dublin of the first wave of Parliamentary troops. Indeed, there was no semblance of any strategic thinking throughout this critical period.

Relations between Ormond and the Confederacy might never have been resumed but for two unexpected events: the arrival in Ireland of an envoy from the Queen with instructions for Ormond to try again to reach a settlement; the emergence of difficulties in the negotiations with Parliament.

Paradoxically, the Queen's messenger found the Confederates

1. Mar. 18, Gilbert, VI, pp. 191-2.

2. Ibid., p. 192; T.C.P., XX, p. 313.

3. Embassy, p. 264.

4. Ibid., pp. 264-5.

much more obliging than Ormond. In fact, though embarrassed by the refusal of Parliament to accept his terms for surrender and constrained thereby to hold on to Dublin long after he had intended to depart, Ormond never seriously contemplated a rapprochement with the Confederacy.

Both the French government and Henrietta Maria had been taken aback by the repudiation of the treaty. Even so, there was no inclination to berate the clergy for their obstinacy, but rather an earnest desire to admit there had been errors all round and to try again. For several good reasons, Mazarin was particularly keen that the Irish should go to Charles' rescue. He was afraid that the Independents now in control of English policy would effect an alliance with Spain; he could expect no more levies out of Ireland until the island had been pacified; and finally, he wished to prevent Ireland from falling under the domination ~~of~~ of that suspected friend of Spain, the Papal Nuncio, Rinuccini. He seems also, however, to have realised that no settlement was possible without the clergy's co-operation. Hence his policy was to encourage the re-opening of negotiations with Ormond while showing sympathy for clerical aims. He sent out

1. There can be no doubt that France urgently desired a settlement. Despite his set-back at the hands of Rinuccini Dumoulin implored Ormond to resume negotiations (Feb.13, T. C.P., XX, p.194). On the other hand, Dumoulin was, so to speak, an Ormondist (Cf. his letter to Mazarin, Feb.7, Gilbert, VII, pp.307-9).

De La Monerie to pursue this policy early in March.<sup>1</sup>

There are extant several allegedly inspired reports from the Irish agents in Paris on the subject of Henrietta Maria's intentions but these cannot be taken on trust since they contain several obvious inaccuracies and are sometimes contradictory. Yet certain facts are clear; that the Queen and the Prince, sincerely desiring an accommodation, were prepared to go most of the way to meeting the Confederates' demands; that they did not wish to see Dublin surrendered to the Parliament; that they were on the point of sending an agent with instructions for Ormond to recommence discussions.<sup>2</sup> At any rate, there is no question that the Confederates gained the impression, or rather had the impression reinforced, that the Queen and the Prince were not unsympathetic to their aspirations. They were also encouraged to feel friendly to the Queen's expected messenger.

This messenger was Father George Leyburn, travelling under the seasonal nom de guerre of "Winter Grant". Leyburn has left a detailed account of his mission.<sup>3</sup> Moreover, considered as a whole, the various instructions and messages with which he was entrusted provide a fairly clear picture of the hopes and plans of Henrietta Maria and her circle at this time. Leyburn, who belonged to an old Catholic family in

1. Rinuccini to Pamphili, Mar. 25, Embassy, p.266.

2. Tyrell to Rinuccini, Feb.5, Com.Rin., 11, p.50; same to the same, Mar.7, ibid., p.51; Oliver Fitzwilliam to the Supreme Council, Feb.9, Gilbert, VI, pp.179-80; same to the same, Feb.25, ibid., pp.181-2.

3. The Memoirs of George Leyburn, London, 1722.



Westmorland, had been appointed one of the Queen's chaplains in 1630. Shortly after the beginning of the civil war he was imprisoned in the Tower and detained there until 1645. Upon his release he joined the Queen's household in Paris and soon became a trusted adviser. This was the second time the Queen had sent him to Ireland on her behalf. His mission was important for its own sake but it also throws more light on the activities of royalist agents in general. The kinds of written instructions he received, the obstacles that sprang up in his path, the way he began to play an outstanding part in Irish affairs on his own initiative, all are strongly reminiscent of the experiences of Glamorgan, Antrim, Digby, Fitzwilliam and Daniel O'Neill.

His written instructions, signed in the Prince's name as well as that of the Queen, were divided into two parts, namely, completely secret and conditionally secret. The latter bade him make all possible speed to Ireland where he was to report to Ormond and Digby and deliver letters and instructions. He was to express their full realisation of the tragic state of the King's position as well as their ~~appreciation~~ appreciation of the dangers threatening the loyal Protestants in Ireland. They were desperately anxious to promote a better understanding between the Royalists and the Confederates in order that their armies could be combined for an attack on the common enemy in the North and thence for the King's relief in England. Leyburn was to show Ormond

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a letter which they were sending to the Nuncio and the clergy but to stress the fact that neither this letter nor indeed any communication from Paris was to be regarded as anything more than an expression of opinion, "much less as any positive Directions". It was up to the Lord Lieutenant to heed or dismiss their opinions as he saw fit. Similarly, it was for him to decide whether to make use of Leyburn's own services. Significantly, in the light of the vagueness of the King's commissions to ~~Ormond~~- Glamorgan, Leyburn's subordinate position was explicitly laid down:

"...As likewise, you shall vary from and pursue the rest of your Instructions in such Manner, and only in such manner, as the Lord Lieutenant shall think fit, and in all other Things, you shall govern yourself according to the Advice and Orders of the said Lord Lieutenant."

If Ormond should decide to send Leyburn to Kilkenny, Leyburn was to inform all parties there of the Queen's keenness to see them reach accord with Ormond:

"as well by Our Mediation with the King in their Behalf (as there shall be Cause) as otherways in what we may."

He was also to impress upon them how timely immediate assistance to the King would be, how they would gain in honour as well as materially by it, and how serious the damage to the Church would be if the divisions in Ireland continued to prevent a combined assault on the common enemy. Lastly, he was to seek out those leading Confederates who were willing to agree to peace on moderate terms and let them know how much their continued efforts to further it would be

appreciated and what honourable rewards they might thereby obtain for themselves. To a few influential people he was to deliver personal letters signed by the Queen and the Prince.<sup>1</sup>

In his secret instructions he was commanded to deliver 14 blanks to Ormond, six signed by the Queen, six by the Prince, and two signed jointly the Queen and the Prince jointly. These Ormond was to "fill up" in any way beneficial to the King's service that he pleased, particularly with regard to accelerating a settlement with the Irish. Should it occur to him to despatch Leyburn or any other delegate to Kilkenny, he would be authorised to:

"fill up one or more of the said blanks signed by Us in the Nature of a Commission, Letters or Instructions, with such authority From Us, and in such manner as he shall think fit; and that he would accordingly, insert the Name of such Person or Persons, as he shall think fit to be joyned with you in this employment from us."

Leyburn was to tell Ormond that having received news of the King's virtual imprisonment in Newcastle they had held a conference to decide what should be done to assist him. In particular, they had discussed the proposal put forward by Digby in the preceding year that the Prince should go to Ireland and had resolved that once peace had been declared there he should indeed do so. Their long-range plan was for the Prince to unite Ireland and lead an expedition against England. It was important that Digby should inform them as soon as possible what he thought of this project. If he

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<sup>1</sup>. Leyburn, pp.2-5.



approved of it, he was to begin making the necessary preparations.

Leyburn's final instruction was to apprise Ormond of an operation proposed by the Earl of Crawford on Montrose's behalf, the object of which was the recovery of England by means of an invasion from the Highlands. Forgetting apparently that the Prince was supposed to be going to Ireland they announced that he would lead the attack in person. The operation would only receive their approval, however, if Ormond considered it to be ~~practicable~~ practicable and if Ireland could be pacified in the meantime so that it, too, could assist the King. In any case, during the next few months Digby should encourage the Irish to send all possible aid to Antrim's contingent in Scotland.<sup>1</sup>

Leyburn left Paris on March 16th with the intention of going to Dublin by the quickest possible route. He was accompanied by the Earl of Crawford<sup>2</sup> who was bound for Scotland. At Orleans he heard a report that Ormond was deeply engaged in negotiations with Parliament. This planted in his mind the fear that Ormond might have surrendered Dublin and departed for some inaccessible place before he could see him. He asked the Queen what he should now do.

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1. Leyburn, pp. 5-9.

2. Crawford was friendly with Glamorgan to whom he wrote that both the Queen and the Prince wished to come to Ireland and would like Glamorgan to persuade the clergy and the nobility to invite them by letter. Rinuccini to Pamphili, Mar. 2, Embassy, pp. 256-7. Nothing came of this proposal presumably because Rinuccini withheld his approval.

In view of the limits imposed by his initial instructions the advice given by the Queen gave him remarkable latitude. If Dublin had already capitulated or were being besieged when he got to Ireland, he was to go straight to Kilkenny, deliver his several messages and assure the Confederate government, that, as the King's service and devotion to the Catholic Church were the Queen's dearest concern, she most passionately desired to hear that peace had been arranged. She was prepared to do anything which might conduce to their satisfaction.<sup>1</sup>

On April 7th or thereabouts Leyburn landed at Waterford only to find that the General Assembly had just been dissolved. Geoffrey Barron informed him that the dissolution would have been postponed had his mission to Ireland been made known. Leyburn was disappointed for whereas the Assembly possessed the power to make or undo a treaty, the Supreme Council had only the authority to negotiate. It is to be noticed that Leyburn had obviously set off on his mission with the unfounded optimism that seemed to infect all agents to Ireland.

At Waterford, Leyburn spent several days trying to communicate with Digby who was supposed to be hiding nearby. Eventually, rather than give offence to the Council, he made the journey to Kilkenny. There he was introduced to the Council by Geoffrey Barron, with whom he had become friendly

in Paris. He explained why he had come to Ireland. The Queen  
 1. Henrietta Maria to Leyburn, Jermyn to the same, Mar. 19, Leyburn, pp. 10-11. Carte (III, p. 302) ignored this change of instructions having previously stressed Leyburn's subordination to Ormond.

longed for peace, not just for the King's sake, but for the good of the Catholic Church and the Irish people. In the absence of a peaceful settlement, Catholicism in Ireland was bound to be destroyed - unless that is they were counting upon a miraculous intervention by God. It was precisely because Leyburn was a Catholic that she had sent him as her agent. All he required from them for the present was a safe-conduct to enable him to pass through their lines and deliver his instructions to Ormond. Evidently favourably impressed, the Council readily supplied him with a pass.<sup>1</sup>

On the following evening Leyburn met Ormond in Dublin Castle. As he handed over his packet of letters, he observed somewhat curiously that ~~it~~ these would better express the "Civilities" from the Queen and Prince than any words of his own. For the rest, he could say nothing until he had deciphered his own instructions.<sup>2</sup> Even so, he did add that Ormond's instructions would reveal the confidence placed in him by the Queen and the Prince, a confidence which:

"no reports could shake, though we had Weekly News of Treaties with the Parliament, for the Delivery up of those Places under his Command."

This was an intentionally ironic remark since Leyburn believed that Ormond's negotiations with Parliament had reached an advanced stage.

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1. Leyburn, pp.11-13.

2. It is to be presumed that Leyburn's secret instructions were in cipher and that he had been commanded not to decipher them until he had seen Ormond.



Ormond may have resented Leyburn's manner, judging from the sense and tone of his reply:

"That Confidence shall never deceive them, and that he, who had ventured himself, his Wife, and all his Children in the King's Service, would make no ~~S~~cruples of venturing or casting away one Son, when there shall be Cause (this he spake because his Son was then hostage with the Parliament) yet if there ~~be~~ Necessity, he should give up those ~~P~~laces under his Command rather to the English Rebels than the Irish Rebels of which opinion he thought every good Englishman was." 2

To Ormond's palpably indignant defence of his actions, Leyburn did not return even a conventionally disarming answer.

Their brief meeting reads, in fact, like a passage of arms. It may well have been a reflection of the suspicion being harboured at Saint Germain that Ormond was not as vigorous in working for peace as he ought to be, and, for his part, Ormond's suspicion that the Queen disliked him and tried to undermine his authority. There was too a clash of basic principles. English Catholics such as Leyburn, who was by no means a sycophant of Rome, could not understand how Ormond came to prefer dealing with the English Puritans rather than with the Irish Catholics. Leyburn's inability to grasp the reasons for Ormond's preference did not denote any lack of national pride, for he was just as English in his outlook as Ormond himself, but ~~from~~ an aversion for Puritanism as unreserved as that of Ormond for the Roman Church.

1. Leyburn's own interpolation.

2. Leyburn, pp.13-4.

Apart from introducing "Winter Grant" Henrietta Maria's letters to Ormond merely contained an expression of confidence in his conduct of affairs.<sup>1</sup> On the other hand, the Prince's letter revealed an urgent desire for peace in Ireland. Thus while disclaiming first-hand knowledge of the current situation and any intention of interfering with Ormond's management of it the Prince firmly stated:

"it is very evident to mee that a peace there is absolutley necessary to the King's affaires in his other kingdomes."

As convincing proof that he meant to be taken seriously, he promised to underwrite any arrangement which Ormond should make and to fulfil any engagements to which Ormond should see fit to commit him.<sup>2</sup>

Jermyn's letter disclosed that at Holmby House the King was being denied the right to communicate with the outside world. His position was well-nigh hopeless since the sort of terms being offered by his captors were entirely unacceptable. The only solution was the immediate pacification of Ireland.<sup>3</sup>

How could Ormond turn a deaf ear to this insistent chorus demanding a treaty with the Irish? Without much difficulty, it appeared. Whether cynically or in good faith

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1. T.C.P.,XXI,p.25; Carte,Vl,p.503; Gilbert, Vl,pp.312-4.

2. T.C.P.,XXI,p.28; Carte, Vl,pp.504-5.

3. T.C.P.,XXI,p.26; "By this your Exence seeth under what neede wee are of the Peace of Irelande it being the only thinge in humaine appearance capable of yeilding help or remedye to the present distresse or hopes of a future recoverie."

he decided to act as though his three correspondents were sincere when they deferred to his superior grasp of the Irish situation and continued with his preparations for the surrender of Dublin. He may have concluded also that the urgent tone informing their letters had been injected for dramatic effect. What is more, if Clarendon reported correctly, he could also weigh against the promptings from Paris a secret order from the King himself to hold on to Dublin and his other garrisons for as long as possible but to surrender finally to Parliament rather than to the Irish.<sup>1</sup>

After deciphering his instructions, a labour which owing to his lack of practice took two days, Leyburn reported back to Ormond. At this meeting he delivered the 14 blanks which Ormond was to use at his own discretion.

On returning to his lodgings Leyburn found Digby waiting for him. Digby explained that he had just arrived in Dublin, having put off his departure for France in order to see what fruits Leyburn's mission might bring forth. On the following day Leyburn had intended to meet Ormond at dinner but beforehand he was summoned by Digby who had a message for him from Ormond. He was to return immediately to Kilkenny and persuade the Council to renew for three weeks more the existing truce, then about to expire.

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1. Historical View, p.1069. It may be that this secret instruction was connected with the arrival of a messenger from the King which Lord Lambert reported to Ormond on January 7th (T.C.P., XX, p.86).



Before leaving Dublin, Leyburn called at the Castle in order to obtain a draft of the proposed renewal of the truce with Ormond's signature and to ascertain if there were any further orders for him. There was visible again a marked rancour in the conversation with Ormond which followed. Leyburn pointedly inquired what he was expected to reply if the Confederates should say that Ormond only wanted to prolong the truce in order to give time for Parliamentary troops to disembark at Dublin. Ormond answered that he would send fresh orders if the situation changed. When Leyburn then asked what he was to do with the letters for the Nuncio and the other distinguished persons at Kilkenny, Ormond told him to seek Digby's advice.<sup>1</sup>

That same night Leyburn set off for Kilkenny in the company of Digby who advised him to deliver all his letters to the addressees concerned. On the way a messenger overtook them with the news that Ormond was prepared to guarantee that no Parliamentary troops would be admitted into Dublin during the period of the extended truce. However, Leyburn was to try to obtain the extension without mentioning this guarantee and to insist, in any case, that it should not be publicly made known.<sup>2</sup> Again, Clarendon explained Ormond's change of mind; he was dissatisfied with the counter-proposals

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1. Leyburn, pp.14-5.

2. Dublin Castle, Apr.15, Leyburn, pp.15-7; T.C.P.,XX,p.379

of the Parliamentary Commissioners.<sup>1</sup> This was probably true. Ormond was bound in honour to secure a promise of favourable treatment for loyal Catholics but could not persuade the Commissioners to commit themselves.<sup>2</sup>

At Kilkenny, Leyburn first discussed the situation with the three French agents, Dumoulin, Tallon and De La Monerie,<sup>3</sup> who, in pursuance of Mazarin's new policy, were trying to break off Ormond's talks with Parliament so that a fresh attempt could be made to arrange a treaty with the Irish. Presumably with their concurrence Leyburn put Ormond's request for a renewal of the truce to the Supreme Council. While demurring at three weeks the Council agreed that an extension of the truce was desirable. For their part, they would consider six months as an appropriate period, provided that Ormond would allow no Parliamentary troops into Dublin in the meantime. As they saw it, this was an essential precaution since, as Leyburn had foreseen, they suspected Ormond of only wanting a brief respite in order to give the first Parliamentary contingent time to arrive.<sup>4</sup>

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1. Historical View, p.1071.

2. Cf. Further instructions for the Earl of Roscommon, Mar.16, "...Thirdly you are to desire that such Papists who have constantly adhered to the Protestant Party may have like assurances for their lives, libertyes and estates as the Protestants." T.C.P., XX, p.281.

3. De La Monerie had arrived at Kilkenny during the second week in March bearing a letter from Mazarin to Rinuccini. Mazarin complained of the dearth of recruits for the French service. Embassy, pp.266-7; Com.Rin., II, pp.564-5.

4. Rumour was rife that Ormond had committed himself irrevocably to Parliament. From Galway, for example, a priest, Fr. Anthony Gearon, informed Preston that Ormond had signed an agreement on February 24th in which he promised to hold the Confederates at bay by continuing negotiations with them (C.S.P.I., p.608).

Leyburn promptly informed the Lord Lieutenant of the Council's counter-proposal and announced his own intention of remaining at Kilkenny while awaiting further commands.<sup>1</sup> He - for one - was not anxious apparently to find himself in Dublin at the same time as Roundhead soldiers.

Leyburn now delivered his letters from the Queen. That to the Nuncio and the clergy requested their co-operation in arranging terms with Ormond. It also contained the statement that she had given full authority for the clergy's interests to be secured. On being assured verbally by Leyburn that Ormond was not irrevocably committed to the capitulation of Dublin, Rinuccini, though decidedly sceptical, consented to a discussion between him and the bishops.

While this discussion was taking place, Tallon brought a new proposal from Ormond, namely, to prolong the truce for ~~in the first instance/~~ one month and thereafter to renew it at monthly intervals ~~for~~ for the period of six months stipulated by the Confederacy; it should also be kept secret. The Supreme Council were only prepared to consider this suggestion on condition that negotiations for peace were resumed.<sup>2</sup>

At this point, letters were intercepted on their way from Ormond to Barry, Taaffe and Clanrickard. These revealed that Dublin might be surrendered even before final terms had

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1. Leyburn, p.16.

2. Rinuccini to Panzirolo, May 12, Embassy, pp.279-81.



been settled with Parliament.<sup>1</sup> Leyburn seized the opportunity to spur the Council into re-opening negotiations with Ormond. He argued that Ormond must be hard pressed and begged them to draft fresh proposals for him to take to Dublin. The Council might well have retorted that Ormond had been playing them false and could not be trusted. Instead, they fell in with Leyburn's suggestion.

The same propositions were approved as had been placed before Ormond by Barron and Fennell only two months previously.<sup>2</sup> On the face of it, this seemed absurd but, as Leyburn noted, Ormond had not rejected them on their merits but because they were not signed by all the members of the Supreme Council. Moreover, on this occasion the Council framed a declaration in support of their proposals:

"In our humble and dutiful Desires to preserve Dublin, and other places under the Lord Lieutenant's command for his Majesty; laying aside all Misunderstandings, though we are obliged to stand by our Propositions voted in the General Assembly, upon which we are still positive to insist: Nevertheless We are ~~still~~ ready to make good the Propositions for an Accommodation delivered to his Lordship by Geofrie Baron and Gerard Fennel, Esquires: and in Order to an honourable peace in this Kingdom, upon Knowledge of his Lordship's Exception's to the said Propositions, or any of them, we will take the same or any other Overture into further due Consideration, so far as may conduce to his Majesty's Service and Preservation of the Confederate Catholicks and their Religion. And we do in his Majesty's

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1. Embassy, pp.287-8; Leyburn p.17.

2. See above pp. 599-600.

Behalf, make tender to his Lordship's of our Services and best assistance to maintain Dublin, and the said other Places against the Parliament, and other his Majesty's Enemies. Unto this we desire his Lordship's Answer with that Expedition that the Weight and Exigence of Affaires do require." 1

In the event, Leyburn neither saw Ormond nor even entered Dublin, but delivered the Confederate proposals to Digby. Digby, in turn, passed them on to Ormond and shortly brought back his answer. It was uncompromisingly harsh. To the suggestion that both sides should attack the common enemy while retaining their separate governments, Ormond retorted - irrelevantly - that they should first subject themselves to His Majesty's commands; it would be time enough then to consider the security of Dublin and the other garrisons. As far as he could see, their remaining proposals applied to a truce rather than to a peaceful settlement. Even so, if he were to receive a specific request for a truce, he would give it his consideration. He added that they had insisted in a previous paper upon the necessity of obtaining the approval of a majority in the Assembly. If their desire for peace was genuine, they would be well advised to free themselves from this obligation in view of the Assembly's practice of demanding impossible terms.<sup>2</sup>

Digby reported verbally that Ormond was determined not to treat again with the Confederacy unless the last

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1. Leyburn, pp.17-9; T.C.P.,XXI, p.25.

2. Leyburn, pp.20-22; T.C.P.,XXI, p.62; Gilbert (Bellings), VI, p.199.

Assembly were first recalled and made to submit to any agreement which might be concluded. Struck by Ormond's seeming intransigence, Leyburn inquired why no use had been made of the blanks and instructions sent by the Queen. Digby observed inconsequentially that the Lord Lieutenant was wiser. Leyburn took this to mean that Ormond was reluctant to undertake negotiations with the Confederacy without a new commission from the King, his former commission having expired with the conclusion of the first Ormond Peace.<sup>1</sup> This did not deter him from reproaching Ormond and pointing out what a sorry account he would have to give the Queen.<sup>2</sup>

Unable to acknowledge Ormond's negative answer as final, Leyburn urged that he be given some counter-proposals to take back to Kilkenny. On his own initiative Digby drew up a memorandum for presentation to the Supreme Council.<sup>3</sup>

The Supreme Council was in session at this time in Clonmel.<sup>4</sup> When Leyburn joined them there, he asked that a sub-committee be formed to discuss Digby's propositions. To this committee, which consisted of Muskerry, the Bishop of Limerick and Nicholas Plunket, he presented a draft of the proposals:

"i. If you do intend a submission of the whole  
Catholick Party to his Majesty's Authority.

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1. Leyburn, p.22.

2. May 16, T.C.P.,XXI, p.17.

3. Having first given the memorandum to ~~Digby~~ Leyburn, Digby requested it back and asked him to memorise its contents instead. Leyburn subsequently prepared a draft from memory.

4. Now restored to its original complement of 24. ~~See below p.~~



"ii. If you intend to do it by going on the Foot of the former Peace, the only way which in Possibility is left, either for your Security, or any Body's else, that is to deal with you; the King's Condition being such as it is."

iii. If for such Agreements as either are in the Marquis of Clanrickard's Engagement, or such further Advantages as may be obtained from the Queen and Prince, you will take such Security as may be reasonably devised, and will give the like for what concerneth you.

iv. If you be not enabled of yourselves to go thro: with a Peace, you will, when it shall be reasonably proposed, accord to the calling of an Assembly.

v. If you will presently in Order to this, send to obtain a Cessation from Month to Month for six Months, one Month only to be known, or reasonable conditions for both parties; one whereof I suppose on my Lord's Part will be, such an Enlargement of his Quarters, as may serve for the reasonable maintenance of his men, in Case there be a Breach with the Parliament; which Quarters shall be secured to be restored if t there be Cause; during which Cessation, things may be negotiated in France, with the Queen and Prince; mutual Securities agreed on, and my Lord have time to disengage himself.

vi. If you will trust me, and one or two Persons more that you shall think fit, with the Entrance into the Manage of this Business, as long as there shall be Reason to keep it secret.

vii. Lastly, if you will proceed on these Grounds speaking generally; then I will do my best to bring all This to pass, and have Reason to be Confident I shall perform it." 1

Plunket objected that nothing could be done on this basis since the Assembly had voted against the 'former peace' and the Nuncio had excommunicated all its adherents. Like all the Royal ambassadors Leyburn was not easily downcast.

1. Leyburn, pp.23-4.

The decision of one Assembly could be reversed by another. As for the Nuncio, he had denounced the treaty not because it was intrinsically bad but because it did not do enough for the Church. Once he could be persuaded to see that the interests of the Church were not to be neglected, he would lift the sentence of excommunication.

The commissioners appointed from time to time by the Confederacy to deal with the Royalist representatives were dogged if nothing else. With Parliamentary foot rumoured to be already in Dublin, with Ormond himself virtually inaccessible, they were still prepared to consider respectfully a set of proposals put forward by a self-appointed arbitrator on behalf of a discredited and hunted minister. But what words could describe the monumental patience and forbearance<sup>o/</sup> of the Supreme Council? For, having examined the report of their sub-committee, they told Leyburn that although it was unusual "to treat with a Person that showed no Kind of Commission or Authority", they had so much confidence in his personal ability and were so anxious for peace that they had composed a reply to his propositions.

They were unable to give him the draft at once but if he would accompany the Bishop of Clogher to Kilkenny it would there be delivered to him.<sup>1</sup> In fact, they had sent the draft to Rinuccini for his approval.

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1. Leyburn, pp.24-5

The Council then decided to summon all its absent members in order that a positive resolution for or against a truce might be adopted. Rinuccini and the bishops were invited to attend at the same time.<sup>1</sup>

Rinuccini had already made clear his opposition to a truce.<sup>2</sup> Unless Ormond guaranteed the same terms for the Church as the Queen, there was no point in dealing with him. Indeed, the most sensible plan would be to seize Dublin from him and hold it for the King. One of the Council's arguments in favour of a truce was their military weakness. His unconvincing counter to this was to <sup>urge them/</sup> put an end to their internal ~~backbiting~~ <sup>feuding</sup>, the basis cause of their weakness, and to rely on the supplies which Massari was bringing back from Rome.<sup>3</sup>

As he journeyed towards Kilkenny, Leyburn must have felt much less buoyant than usual for apart from Rinuccini's declared opposition to the truce he was apprehensive of meeting him on personal grounds. Once before they had clashed and Rinuccini had gone so far as to start a process against him.<sup>4</sup> Moreover, had he but known it, Rinuccini had been forewarned against him by Scarampi, who had recently succeeded at last in sailing away from his thankless tour of duty in

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1. Com.Rin., 11, pp. 602-3.

2. Cf. "I have no greater desire than to see an end put at ~~ONCE AND FOREVER~~ to these negotiations since they keep the whole island in suspense; and I am convinced that the truces which have been made from time to time, have been the ruin of the whole affair." Rinuccini to the Nuncio in Spain, Apr. 26, Embassy, pp. 274-5.

3. Com.Rin., 11, pp. 599-601.

4. See above pp. 453-4.



Ireland. From Paris Scarampi reported on March 30th that "Winter Grant" had been sent to Ireland in order to compel the Irish to obey Ormond. Ormond's negotiations with the Irish were designed to mask his transactions with Parliament. Scarampi was manifestly misinformed in view of Ormond's utter disinterest in reopening negotiations with the Confederacy. Nevertheless, Rinuccini almost certainly accepted his report as nothing less than the truth.<sup>1</sup>

At Kilkenny, the Bishop of Clogher saw the Nuncio before Leyburn and gained the impression that he would be uncooperative. Even so, Rinuccini greeted Leyburn himself with the surprising observation that it was not a treaty to which he objected but a truce, for the series of cessations that had been arranged with Ormond had been "the Reasons why the Irish Affairs had no better progress". At this very moment, for example, Ormond only desired a respite in order to give time for the Parliamentarians to relieve him.

In Leyburn's opinion a truce was the necessary preliminary to peace since it would take time, first, to transmit any religious conditions agreed upon to Henrietta Maria for her approval, and, secondly, to convene a General Assembly to legalise the final settlement. As for the landing

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1. Embassy, pp.279-81; ibid., pp.288-9; ibid., pp.290-1. Scarampi enclosed some propositions from the Queen which had also been sent to "Winter Grant". In brief, these would have empowered the Queen and the Prince of Wales to nominate the members of the Supreme Council and to present to vacant sees during the King's captivity. Either Leyburn did not receive them or refrained from producing them, since Scarampi was the only person who ever referred to them. In any event, Rinuccini flatly disapproved of them.

of Parliamentary troops, this could be prohibited in the terms of the truce. And once Ormond had given his word he could be trusted "infallibly" to keep it.

Seeing that Leyburn himself had been shocked by Ormond's determination to surrender to Parliament, these were brave words. And, indeed, Rinuccini instantly replied that Ormond was deceitful. As a result of further conversation Leyburn inferred that Rinuccini was not "my Lord Lieutenant's friend". Before they parted, Leyburn gave vent to his annoyance. He warned Rinuccini not to obstruct the Supreme Council's attempt to secure peace in case disaster came of it for which he would have to bear the blame. At this, Rinuccini promised to give him an answer on the following day; in the meantime, he would write to the Council.

At the second meeting, Rinuccini announced that the Council had consented at his suggestion to defer their decision for a fortnight. To Leyburn's vexation he justified this deferment on the grounds that it was preferable for a decision to be arrived at jointly by the Council and Congregation and it would take time to assemble all the clerical representatives. He further suggested that Leyburn should explain the reason for the delay to Ormond. Leyburn pointed out that even a fortnight's deferment might well be fatal, for he knew on good authority that Parliamentary ships were only waiting for a favourable wind before putting into

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Dublin harbour. Once troops had been landed, it would be too late.<sup>1</sup>

Looking back over the years, Leyburn blamed Rinuccini for the failure of his mission. In his opinion, the Nuncio may have been sincere in wishing to consult with the clergy but his main object was to prevent agreement between the Council and Ormond. Indeed, he was prepared to "run any Hazard rather than accord with my Lord of Ormond".<sup>2</sup>

Although trying to be just Leyburn condemned the Nuncio more than he deserved. All his awareness of being the spokesman of the Old Irish and his past defence of church rights compelled Rinuccini to consult clerical opinion. After all, if he allowed the Council to take a decisive step towards agreement with Ormond without reference to the clergy, it would be tantamount to admitting that the clergy had exceeded their jurisdiction in nullifying the Ormond Peace. The fact that the Council raised no protest against the deferment is surely significant. Presumably its members also recognised the need for national concord. Lastly, when the clergy eventually met at Clonmel to examine Leyburn's proposals, they quickly decided to leave a decision to the Council.<sup>3</sup> Perhaps they believed it safe to do so since Ormond had committed himself too far to Parliament to be able to retract, but notwithstanding

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1. Leyburn, pp.26-7.

2. Leyburn was struck by the bitterness of Rinuccini's dislike for Ormond "against whose person, I found in the Nuncio, Great Animosity". Ibid., p.28.

3. Embassy, p.295.



it is difficult to accuse them of being obstructive.

But even if the clergy had been wilfully hostile, it is questionable whether Rinuccini's insistence upon deferring an answer made the slightest difference to the outcome. It requires two parties to sign an agreement and all the evidence indicates that even if the Confederates had for once papered over their disunity Ormond was no longer prepared to deal with them.<sup>1</sup> Leyburn himself had felt constrained to remind him of the Queen's instruction to surrender to the Irish rather than to Parliament.

Nor did Heyburn sufficiently appreciate that he had no assets except personal energy and resourcefulness. Ormond had shown by the frigid reception he had accorded him that he would not tolerate the meddling of an agent representing Saint Germain. Thus his only support came from Digby who was now regarded on all sides as an unprincipled adventurer.

By express messenger Leyburn apprised Digby of the unexpected delay. Passing through one of his more responsible moods, Digby returned a sober and well-reasoned reply. Leyburn's endeavours at Kilkenny were his principal concern. If only the Confederates would be sensible, he was sure he could do much good. He approved of the forthcoming meeting of Congregation and only regretted that a general assembly was not to be convened at the same time. Then followed perhaps

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1. Cf. Ormond to Parliament, Apr.22, T.C.P.,XVII, p.121.

the wisest comment yet made by a royalist leader on the subject of negotiations with the Confederacy:

"...for I can never hope to extract any Usefulness out of this Kingdom, but by an unanimous and entire consent of the Catholick Party, to whatever Settlement shall be made."

He then referred to an important new proposal which Owen Roe O'Neill had put forward.<sup>1</sup>

Owen Roe saw only too clearly that the Parliamentarians would treat the occupation of Dublin as the first step towards the conquest of Ireland. He decided therefore to make a conciliatory approach to Ormond through his nephew, Daniel. If Ormond would be willing to observe a truce of two months, he in his turn would honour a truce of one year and meanwhile work for a permanent settlement.<sup>2</sup> Although favourable to the proposal - no doubt out of his high regard for O'Neill's integrity as against that of the politicians in Kilkenny - Ormond had to insist upon the initial truce of two months being arranged within 14 days.<sup>3</sup>

Ormond's desire to obtain agreement to a short truce had been explained until now, as Rinuccini rightly guessed, by the need to hold the Confederates at arm's length while he arranged for the surrender of Dublin to Parliament. On this occasion, however, he was only concerned to avoid a situation in which he would be vulnerable to a legitimate Confederate

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1. Leyburn, pp.28-9.

2. Historical View, p.1071.

3. Ibid.; Gilbert (Bellings), VII, p.19.

attack and yet unable to count on relief from England. The Parliamentary troops were likely to arrive in about 14 days and he dare<sup>d</sup> not risk putting off their disembarkation in case they should suspect treachery and turn back. In other words, the Confederates had to commit themselves irrevocably to a truce within the fortnight.

Presumably appreciating Ormond's problem, Owen Roe hastily despatched Daniel to Kilkenny with instructions to recommend to the Council that pending a definitive settlement "my Lord Lieutenant should have governed by Assistance of the Confederate Council in their Quarters, until the Peace had been perfect".<sup>1</sup> He also asked the Bishop of Clogher to second the proposal. Unfortunately, Daniel O'Neill was arrested when he got to Kilkenny before he could present Owen Roe's proposals.

According to both Clarendon and Bellings Daniel was imprisoned so that the Council could avoid having to take note of what Owen Roe had to suggest.<sup>2</sup> This may well have been their motive, but it is important to establish that it was not their intention to make sure of wrecking any plan aimed at reconciliation with Ormond, as one modern historian has assumed.<sup>2</sup> This is evidenced by the fact that Heyburn was allowed to visit Daniel and, at his request, to put the proposals to the Council. They then refrained from adopting

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1. Leyburn, p.30.

2. D.F.Cregan, "Daniel O'Neill, a Royalist Agent in Ireland, 1644-50", in I.H.S., ii, no.8, pp.408-9.



them on the reasonable plea of owing prior attention to the study of the proposals brought by Leyburn himself.<sup>1</sup>

In Digby's view, O'Neill's proposal scarcely merited consideration unless the Ormond Peace was first given general recognition.<sup>2</sup> Then and then only would it be permissible for the Confederates to govern in their own quarters pending consent to the conditional religious concessions which had been requested.

Digby had obviously decided that the Parliamentary troops would have landed in Dublin before the Confederates made their decision known, for he referred to his hopes of suborning a number of them. There would be a grave risk involved, however, and he must have some prepared bolt hole in case of emergency. The Confederates should be persuaded to promise him sanctuary.<sup>3</sup>

The Congregation destined for Limerick <sup>e</sup>for~~g~~athered instead at Clonmel at a somewhat later date than Rinuccini had agreed to. Leyburn was summoned at once and told that they~~x~~ rejected peace was dead. It could never be resuscitated since the clergy and "People of the whole Nation" had condemned it once for all.<sup>4</sup> Leyburn could only give the careworn reply that Ormond would negotiate on no other basis but recognition and that they had nothing to fear for their religion because

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1. Leyburn, p.30; Gilbert (Bellings), VII, pp.19-20.

2. Only adherence to the peace could "restore them to the Quality of such Subject as the King's Lord Lieutenant can joyn with".

3. Digby to Leyburn, Leixlip, June 3, Leyburn, pp.28-9.

4. It was so little concerned with things spiritual that God's name was not once invoked.

church interests would be satisfied by other means.<sup>1</sup>

At this point, Digby reported the ominous news that Parliamentary Commissioners had landed at Dublin with 600 horse and 800 or 900 foot and were demanding the immediate surrender of the city. Unless he received a favourable reply to his proposals within five days there would be no point in replying at all. "besides, this place will grow too hot for me". Once more he pleaded for a safe-conduct to enable him to discuss the situation with the Supreme Council. And again he referred to his far-fetched scheme of suborning the "better Part of the Parliament Forces". If the Confederates were reasonably disposed, he desired Leyburn to let him know whether<sup>2</sup> their armies were in a fit state to march suddenly.

Leyburn apprised the Council of Digby's letter and subjected its members to a lengthy harangue. Swift and positive action was called for since already two days of the five days' grace given them had sped by. Although he had been in Ireland for two months and had brought them assurances from the Queen and the Prince that they need not fear for the future of Ireland or their religion, he had yet to see any positive advantage accruing to the Crown from their protestations of loyalty. At this lamentably late stage the only way of saving the King would be to submit to the authority of the Lord Lieutenant. There was, unhappily, so little evidence

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1. Leyburn, p.30.

2. June 8, *ibid.*, pp.30-31.

of a sincere desire to do so that he was determined to leave Ireland as soon as possible and report failure to the Queen.<sup>1</sup>

The Council ~~was~~ evidently jolted into action by such plain speaking for within two hours they had prepared their answer. It was their firm intention to submit the whole of Catholic Ireland to the King's authority. As soon as they had ascertained the exact details of the conditions that were to be annexed to the Ormond Peace, they would convene a <sup>a/</sup>General Assembly for the purpose of obtaining its approval of a definitive agreement. They were willing to subscribe to a system of mutual security pending the passing of appropriate legislation in a national parliament, and to sign a truce of two months. Furthermore, if there were concrete evidence of a breach between Ormond and Parliament, they would discuss the possibility of his extending the area under his control in order to enable him to feed his troops. They would negotiate with a view to the definitive agreement with the King, trusting Leyburn to manage the business with the Queen and the Prince.<sup>2</sup>

With their answer they included a draft of the sort of terms for a truce they had in mind. This would have obliged Ormond to prohibit the further entry into his garrisons of Parliamentary troops and to withhold assistance from the Scottish and Parliamentary troops at present in Ireland. Leyburn hastily made his way to Ballyconnon, some twenty miles from

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1. Leyburn, pp.33-4.

2. Ibid., p.34.



Dublin, and from there, evidently filled with a sense of urgency he sent the Confederates' counter-proposals and draft for a cessation to Digby.<sup>1</sup>

Hardly had his messenger departed when he received a letter from Walsingham, Digby's secretary, containing the warning that Ormond intended to surrender irrevocably to Parliament if he had not heard from the Confederates within a few days - and favourably at that!<sup>2</sup> This letter was quickly followed by another, which, after breaking the news of the King's removal to Holmby House, concluded:

"For God's Sake make haste to come or write to us your Irish Decrees; now they may make themselves and us happy if they will but comply a little." 3

From Digby himself a third letter came two days later.

Because Ormond had been in desperate need of moral support, he had returned surreptitiously to Dublin Castle and there he now was. The Confederates' answers to his proposals were so much more reasonable than any they had made previously that he would risk his life to secure a suspension of the surrender to Parliament in order to give further negotiations time to bear fruit. By the time he had received a safe-conduct from the Confederates he was confident he would have settled the business of the truce. It would be a good plan if the Confederate forces were to threaten Trim, but they must not be

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1. Leyburn, p.35.

2. Leixlip, June 12, *ibid.*, pp.35-6.

3. *Ibid.*, p.36.

allowed to approach Dublin.<sup>1</sup>

These letters cheered Leyburn. The King's affairs had taken a turn for the better. The Army would be more benevolent than the Presbyterian party with which Ormond had been conducting negotiations. Now surely Ormond would be loath to lay down his office in the absence of fresh instructions from the King. Thus hopeful, Leyburn wrote to the Council, saying that his mission prospered, requesting a pass for Digby and suggesting that Preston's army be stood to for emergency action.

Two <sup>the Council/</sup> days later agreed to do as he asked. At about the same time Walsingham wrote urgently for Digby's safe-conduct. Both Confederate armies should be ordered to march; O'Neill's to Trim, Preston's to Naas and Maynooth. But they should draw no nearer to Dublin.<sup>2</sup>

Immediately Leyburn replied that Preston was ready to march as directed. Digby welcomed the news but pointed out that O'Neill's co-operation was also urgently required. Somewhat dramatically but nevertheless feelingly Digby emphasised the crucial nature of the present situation:

"Let no private Animosities, or particular interest or Design, divert O'Neale from the Work, nay, nor delay him; for if this Moment of Time be lost it will be for ever irremediable: Therefore, do you, and let the Council lay all Strength to perswade him to it; if he refuse, the Ruin and Desolation of Ireland, and his Nation will be his Guilt: This is the Place where

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1. June 17, Leyburn, p.37.

2. Ibid., p.38.

"the Parliament will lay the Ground of the War, and it will prove an irresistible Torrent, to drown the Kingdom without Remedy, unless they be weeded out now presently. If these Garrisons were taken in, and the Irish Armies lodged in these Quarters, the Parliament would soon be starved, and reduced to Nothing that Way, if neither the Peace took, nor Dublin were taken. These Parliament Ambassadors have already sent into Denmark for 40000 Barrels of Rye, and indeed to block the Irish Harbours out of Hand, to prevent all Supply of Ammunition from them. They may here perceive how great a Storm hangs over them; yet, if they will but engage their two Armies together in the Work, and resolve secondly, and heartily to embrace the Means, with its Appendances; and if they will send a full, and unquestionable Pass speedily, all will yet do well; that otherwise, any of that trifling will make fall to Nothing. Be not startled at anything you shall hear of the Lord Lieutenant, who hath given them the Power of the Army, and keeps the Sword and Castle for five weeks; in which Time and less, all must be done that will be, with and by the Irish. I rest, Yours, &c. The inclosed is for General Preston; let me hear what you have done, and hope from O'Neale." 1

On the next day Digby's secretary joined Leyburn, Digby having decided he must keep in the closest touch with ~~Leyburn~~ him.

Walsingham brought a letter of credit "written in Lemons, not to be read until it was warm." His oral report was so long that Leyburn thought it advisable to record it in writing. It is fortunate that he did so, because it would be impossible otherwise to ascertain exactly what had been happening in Dublin.

The Parliamentary Commissioners had arrived in Dublin on

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1. Leixlip, June 20, Leyburn, pp.39-40. Though written in Walsingham's hand, this letter was obviously dictated by Digby.



June 7th, that is to say before the Confederates had replied so favourably to Digby's proposals. They quickly agreed to even those conditions which Ormond had expected to provide him with a pretext for delaying the surrender of the city. They also brought with them sufficient troops to man most of the city's defences. Moreover, they were able to supply the whole garrison while Ormond was not. In these circumstances, Ormond informed Digby that he had no choice but to fulfil his engagement.

Finding letters of no avail to dissuade him from this step, Digby had stolen into the Castle by night, in so doing arousing a great hue and cry. He had then prevailed upon Ormond to avert the surrender by pretending to doubt the validity of the Commissioners' credentials and by expressing dissatisfaction <sup>with/</sup> ~~at~~ the assurances given for his own and his dependents' safety. Unless they would leave the Castle in his possession for five weeks, he declared he would fight to defend it. To this condition the Commissioners reluctantly agreed but they insisted successfully upon the instant surrender of the militia. The official articles of surrender were signed by both parties on June 19th, Ormond being committed by them to evacuate the Castle on July 28th.

When Digby showed him the Confederates' proposals for a truce he was impressed by their conciliatory tone but wary of becoming involved in another round of negotiations. Before he could even consider extricating himself from his commitment to

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Parliament, certain precautions must first be taken:

- i. The Parliamentary troops now in Dublin should be cut off from supplies and driven into a position where they must ask Ormond to remain. This would provide a suitable period of time for negotiating with the Irish.
- ii. Tallon must also be given time to return from France with money and supplies which he was expecting. These would enable him to rebuild his own army and to overcome the Parliamentarians, most of whom had formerly served under him.
- iii. They must suborn some of the Parliamentary commanders.
- iv. The Confederates must seize all the outlying garrisons and "distress the city", so that the Parliamentary Commissioners would be compelled to request a truce. When they did so, the Confederates must insist upon regarding Ormond as the official authority.

Walsingham told Leyburn he was to inform the Council of the menacing plans being laid by Parliament. Their army intended to make its main effort in Leinster under cover of diversions in Ulster, Munster and Connaught. Arms had been ordered from Denmark and <sup>per annum/</sup> £30,000 had been set aside for the Irish campaign. All the harbours in Ireland were to be blocked.

The Confederates must be <sup>made to/</sup> realise that this was their last chance. Soon Ormond would quit Ireland and they would lie at the mercy of the all-powerful Parliament.

Walsingham then explained what the Confederates were expected to do. They must wait for word from Ormond and then appear in strength before Dublin ready to overpower the Parliamentary garrison. They must also immediately agree to a truce whenever Ormond asked them to do so.

On Digby's behalf Walsingham then descended to details. When the Confederate armies had moved into position, additions

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to the Ormond Peace would be discussed. Meanwhile, they must consent to the Peace in principle and acknowledge Ormond's authority as Lord Lieutenant. O'Neill must be pressed into service if at all possible. In any case, Preston, with about 10,000 foot and 2,000 horse, must place himself at the disposal of Ormond and Digby. In all this there was need for absolute secrecy. <sup>1</sup>

Leyburn was rather disappointed by Walsingham's involved report. Only three days previously he had asked the Council for Digby's safe-conduct on the strength of Digby's assurance that a truce would be soon arranged. Now Digby seemed uncertain Leyburn also wondered how he could manage the Council along the lines proposed without a definite commission.

When Leyburn returned to Kilkenny on June 25th, the Council were already re-installed there. Contrary to Leyburn's dismal expectations they were ready to fall in with all Digby's wishes except one - they saw no need for O'Neill's services. Leyburn insisted that O'Neill's co-operation was essential in view of the Parliamentary strength, especially in cavalry. But he insisted to no avail "so much did their hatred, for to Nothing else can I ascribe it, to the old Irish, over-balance their reason." <sup>2</sup>

As for the Nuncio, whether or not he preferred to see Parliamentary troops in royalist garrisons rather than endure the

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1. Walsingham's report, Leyburn, pp.41-6.

2. Ibid., p.47.



continued presence of Ormond, he also opposed the use of O'Neill. O'Neill himself was keen enough and desisted from an attack on Sligo in expectation of being called. Indeed, certain gentlemen from Connaught told Leyburn that if <sup>he</sup> would write personally to O'Neill, O'Neill would march on receipt of his letter. Leyburn decided not to follow their advice for fear of offending the Council.<sup>1</sup>

Meanwhile, as Preston was mustering his forces,<sup>2</sup> Digby enjoined him through Leyburn to lose no time in marching towards Dublin.<sup>3</sup> Apparently communications ~~th~~ between Digby and Leyburn then broke down, for almost a fortnight later Digby wanted to know urgently why there was no news. "The Distractions in England are grown to so great a Perfection, that it is believed really the King is in London, and the Parliament dissolving." They must hasten the advance on Dublin and send his safe-conduct at once.<sup>4</sup>

By the time Digby had heard from Leyburn, he was already protesting that a splendid opportunity had been missed. The Parliamentary troops in Dublin had mutinied. If only the Irish had been quartered within eight miles of the city, as they should have been, they could have occupied it.<sup>5</sup>

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1. Leyburn, pp.47-8.

2. The original correspondence between Leyburn and Preston at this time is preserved in Trinity College, Dublin. Cf. Leyburn to Preston, T.C.D., E.3.11, f.169; Preston to Leyburn, *ibid.*, f.170; see also Leyburn, p.48; Preston's instructions, T.C.D., E.3.11.,

3. Walsingham to Preston, Leyburn, p.49.

f.171.

4. July 3, *ibid.*, p.49.

5. July 4, *ibid.*, pp.49-50.

Digby repeated his complaint in a letter to Preston. But for the divisions among the Irish surely his army would have advanced near to Dublin by this time. Had the army done so, they would have captured most of the garrison troops or "have forced the Commissioners to have put back all theirs, into the hands of the Marquis of Ormond". Even now, it might not be too late if the troops were on the march within a week. He then warned them that they would rue continued inaction:

"... when the Affairs of England shall have resettled my Lord Lieutenant here, without your Hepp, which is confidently believed before the time prefixed for his quitting will be; then your Armies will be ready to march and make War upon him, however that you see Things now omitted here, that might enable us to preserve Ireland from Calamities that threaten it. The Pressures for your Advance are renewed now in the only Minute of Time for you to advantage your selves, and to merit from the King at one time."

With this letter of mixed threat and cajolery Digby enclosed a draft which Preston was to sign and send to Ormond. Its object was to account for the projected march beyond "the Limits of the Confederate Catholick Quarters". Preston was to assert that he understood that Ormond was no longer in command, the "Parliamentary Rebels" having seized unlawful possession of Dublin. He was also to express regret at the unfortunate misunderstandings that had arisen since the proclamation of the peace and to vow ~~to~~ adherence to any treaty or truce which should be arranged in the King's

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interests. All he required in return was an assurance that Ormond still exercised authority in the King's name. Digby provided the Council with a copy of his draft for Preston in order that it might be printed and circulated.<sup>1</sup>

Preston's army now marched towards Dublin. At Naas they encountered a powerful force of Parliamentarians. There was some skirmishing but no decisive action. Leyburn insinuated that Preston allowed himself to be needlessly intimidated.<sup>2</sup>

Then came an urgent message from Digby. So near was the time when Ormond must surrender his sword that it might be necessary to use force to achieve their ends. He and Ormond would only resort to force, however, on condition that the Confederates solemnly agreed to a truce of three or four months, during which period authority as well as conditions for a treaty might be obtained from the King. In England, he added, things were going well.<sup>3</sup>

Meanwhile, the Council had received a report that Ormond had admitted several companies of foot into the Castle. In consequence, when Leyburn asked for the assurances requested by Digby, they naturally accused Ormond of deceiving them, hastening to add that they did not impute deceit to Leyburn himself. Shortly afterwards the Bishop of Limerick sent their considered reply to his various requests.<sup>4</sup> Preston's

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1. Walsingham to Preston, Jul. 13, Leyburn, pp. 49-53.

2. Ibid., p. 53.

3. Jul. 15, ibid., p. 54.

4. Leyburn lost the Bishop's letter but retained a copy of the digest of it which he had sent to Walsingham.



army, which was strong enough to dispense with O'Neill's support, had duly been ordered to march. Unfortunately, two events had occurred since they had first received the propositions which made it inadvisable to take any other action for the time being. The first was Ormond's surrender of the militia - of which they had certain knowledge - and the entry of enemy troops into the Castle. The second was the change in the King's condition. Obviously fresh instructions would be sent to Ormond which they must wait to hear.

Evidently the Council were convinced of Ormond's double-dealing. Nonetheless, with tongue in cheek, they claimed finally ~~that~~ they had answered the propositions fully and favourably and that they would be prepared to play their part when:

"my Lord was reinvested with his former power, to which End he should command the Assistance of the Army when he pleased."

Their distrust was not confined to Ormond. Poor Digby was also suspect. Thus they found a subtle pretext for refusing to issue his safe-conduct. They were so appreciative of his usefulness near Ormond that they did not want to give him any encouragement to leave before everything had been settled. However, if through some mishap he was forced to escape, they would shelter him.<sup>1</sup>

The Council then took precautions against Ormond's expected treachery. Preston was ordered to destroy the enemy's

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1. Leyburn to Walsingham, Jul.18, pp.55-7.

harvest<sup>1</sup> and warned against Digby or any like him that went "double wayes". At the same time he must "cozen" the cozener.<sup>2</sup>

Leyburn conceded the reasonableness of the Council's position. Even so, he must have been distressed. A few days later Digby reported the imminence of a settlement in England "but so much to the King's Advantage<sup>as</sup> was hoped". The Parliamentary Commissioners had discovered the details of the transactions between them. It was urgent that Leyburn should come to see him at Leixlip; it would be quite safe.<sup>3</sup>

At Leixlip, on the following day, July 24th, Digby gave Leyburn exact news. The Parliamentary Commissioners knew all about their plans, had arrested Barry and Taaffe and demanded entry to the Castle as security from Ormond. Ormond had promised to surrender possession on July 28th, but Digby believed it would still be possible to arrange something even after Ormond had departed. Leyburn was far from hopeful but agreed to go on negotiating with the Confederates.

Leyburn joined Preston - who was very depressed by Ormond's surrender - and told him he still thought it possible "to introduce the King's authority amongst them on conditions to their liking". Then, accompanied by De La Monerie, he went to keep a rendezvous with Digby and Taaffe. Digby asked him to rejoin Preston and to procure a meeting with Nicholas

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1. Jul.13, T.C.P.,XXI, p.187.

2. N.d., July, *ibid*.

3. ~~Leyburn~~, Jul.19, Leyburn, pp.57-8.

Plunket and the Bishop of Ferns, who had been appointed commissioners to the army, so that "a new Foundation of our Business" might be laid. Though taken aback when Leyburn approached them, Plunket and Ferns promised to see Digby on the following day.<sup>1</sup>

The meeting did not take place, however, because news was received that Michael Jones was marching against Preston. Upon this, Digby returned to Leixlip and Taaffe and Leyburn hurried to Kilkenny. Leyburn apparently tried to dissuade Preston from confronting Jones. "But my Lord of Ormond's Action had rendred Preston and the rest so distrustful, as they believed everything the less, because it came from any they conceived to have been of the Party."<sup>2</sup> And so, Preston prepared for what was to be a shattering defeat.

Ormond had sailed for England on July 28th,<sup>3</sup> handsomely recompensed for his duplicity according to his critics. They are less than fair. It has been noticed before that Ormond always tried to protect his own material interests, but there is no positive evidence that he placed them before those of the King on this or any other occasion. The thought of deserting the King never entered his head and he continued to work on his behalf during his short time in England. His critics, past and present, are misled by the fact that he went on dealing

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1. Leyburn, p.59.

2. Ibid., p.60.

3. He arrived at Bristol on August 2nd (T.C.P.,XXI, p.236).



with the Confederates long after he was irrevocably committed to the Parliamentarians. At the meanest level this conduct could be defended on grounds of <sup>political expedience</sup> ~~realpolitik~~. But, in any case, he did not want to correspond with the Confederacy and made his position pretty clear. It was not he but Digby and Leyburn who fed the Supreme Council with hopes of a last-minute agreement. Moreover, rightly or wrongly, he had no faith in the word of the Confederates and nothing they said or did during this period was calculated to change his mind.

To defend Ormond's essential integrity is not to condone his policy. That the Confederates were untrustworthy was no justification for surrendering to Parliament on such unfavourable terms. The King had gained nothing thereby. The loyal Catholics whom he had sought to protect from reprisals were soon to feel the whip. As for the army which he and Digby were to take to France, it never materialised.

His departure from Ireland marked the end of the King's official government in Ireland. It also brought the Confederacy and Parliament face to face.

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## Chapter XV

### The Second Ormond Peace, August, 1647 - January, 1649.

It might have been expected that Ormond's departure from Ireland would unite the Confederates, for no longer could one party argue that it was their duty to co-operate with the King's representative in Ireland. Even when presenting a united front, Catholic Ireland would be hard pressed to prevent itself from being subjugated by the relentless Puritans. Yet, so bitter was the animosity between the Ormondists and the Nuncioists that they could not bring themselves to bury their differences.

By this time the Ormondists were past envisaging independence for Ireland, let alone fighting for it. Under no circumstances would they take any action which might result in the Ulster Irish exercising national authority, for fear of being swamped by their greater numbers. They also realised that the adoption of a national policy would involve accepting the leadership of Rinuccini, at least for the immediate future, and this, too, was something they could not tolerate. Consequently, for the time being, the majority of them had no policy except that of drift. A few,

however, never ceased to think in terms of collaborating with the Royalists.

Thus, the Nuncio had soon to recognise the appalling truth that Ormond's exit from Ireland which he had struggled so hard to achieve was not after all the key to national unity. The Irish Catholics did not now see themselves pitted against heretics in a holy war, as, in the first flush of exultation, he hoped they would.<sup>1</sup> On the contrary, he ~~even~~ found it progressively more difficult <sup>even</sup> to hold together the party of his own creation. During the next year his authority was weakened, his censures ceased to intimidate, until at last he found himself all but isolated in an unfriendly country. It was by no means his fault. The Confederacy, which had been based on a shaky coalition of interests even at its foundation, had not the strength to survive a crucial test.

Ominous signs were visible at once. On August 8th at Dongan's Hill, Preston allowed himself to be outmanoeuvred and badly mauled by the Parliamentary commander, Michael Jones. Inchiquin rampaged at will through Munster. There was no attempt to rally forces for a counter-attack, and no excuse for inaction except lack of morale. Though money and equipment were short, the situation was in reality far

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1. Embassy, p.302; see also *ibid.*, p.311.



from desperate. O'Neill's army was intact and the Parliamentarians had yet to build up to a strength which would justify a large-scale offensive operation. In any case a rift between Parliament and the Scots was by no means unlikely. In spite of these facts, it was decided to rely upon external aid and to place the kingdom under some foreign protector.

In order to choose a suitable protector writs were issued for the election of members to attend a General Assembly, the eighth to date. The opening of the session<sup>1</sup> happened to coincide with the news that the main Confederate army under General Taaffe had suffered a crushing defeat at the hands of Inchiquin. The effect of this was to strengthen rather than weaken the position of those who wished to resume relations with the Crown. For the time being, however, they had no need to disclose their intention because it seemed certain that conditions would work in their favour.<sup>2</sup>

To begin with, only nine out of 73 delegates from Ulster were able to attend, while Munster and Connaught were also below full strength.<sup>3</sup> Secondly, a scheme to reform the working of the administrative machinery, which was put

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1. Nov.12 - Dec.24.

2. Rinuccini had no difficulty in forecasting what they intended to do; cf. his report to Cardinal Panzirolo, Nov.5, Embassy, pp.328-9.

3. Com.Rin., II, p.789 ; Embassy, p.343.

forward on the opening day of the session and immediately accepted, operated to their advantage. This scheme was designed to ensure both that the orders of the executive should be obeyed - it is obvious that in the past such orders had often been ignored - and that the Supreme Council should function efficiently. It stipulated that a General Assembly be convened at least once a year and applied the doctrine of collective responsibility to the decisions of the Supreme Council.<sup>1</sup>

The third reason why circumstances were bound to favor the Ormondists was that in practice the only alternative to working with the King was to work with some other monarch and obviously none could be found. The Assembly<sup>2</sup> considered and rejected offering the protectorship to France, to Spain, and to the Grand Duke of Tuscany, but it was decided finally that in the first instance an attempt at reconciliation should be made with Charles I through Henrietta Maria and the Prince of Wales.<sup>3</sup> Rinuccini disliked this proposal but he could do nothing about it. Indeed, since it was out of the question to hope for united and

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1. Orders of the General Assembly, Nov. 12, 1647, Gilbert, VI, pp. 208-223.

2. For the sake of efficiency the task of selecting a protector was given to a committee of the Assembly. Rinuccini to Panzirolo, Nov. 24, Embassy, p. 333.

3. Bellings explained that the King could not be approached directly because he was under close surveillance in the Isle of Wight. Gilbert, VII, p. 36.

independent Confederate action to gain control of Ireland, he had no alternative policy to suggest. The only thing he could do was to insist that any terms relating to a religious settlement must be referred to His Holiness for his sanction. Hence the Assembly resolved to send two delegations, one to Paris and one to Rome.

With little dispute Nicholas Plunket and the bishop of Ferns were nominated as the delegates to Rome. The choice of delegates to Paris, however, brought the Assembly to the verge of dissolution. The Ormondist majority elected three delegates, Muskerry, Geoffrey Browne and the Bishop of Clogher, Ever Macmahon. A fiery-tempered man and a loyal ally - of the Nuncio, the Bishop declined the nomination in the belief that the Ormondists were trying to get - a vigorous opponent out of the way - although he was able to put forward other valid reasons for refusing. Congregation endorsed his refusal but the Assembly by a special vote ordered him to accept the nomination. When he still firmly refused, fifty deputies declared the union terminated and stalked out of the chamber; others had to be discouraged from following them.

At this stage both sides realised that they had reached the moment of no return. Accordingly a motion to punish the bishop was shelved and the Earl of Antrim was elected in his place.<sup>1</sup> As it turned out, this compromise

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1. Embassy, pp.339-42; Com.Rin., II, pp.794-6.



only postponed the final parting of the ways.

Plunket and Ferns were to ask the Pope to help them in arranging a settlement with Henrietta Maria and to assure him that they would insist on obtaining security for the Church. If the Pope were to disapprove of the sort of conditions the Queen offered, they were to ask for funds with which to continue the war. In the last resort they were to beg him to become their protector. Whatever the Pope's decision, it was to be conveyed to their agents in Paris.<sup>1</sup>

Rinuccini suspected that Plunket and Ferns were being instructed to paint the condition of Ireland in such sombre colours that the Pope would feel compelled to advise acceptance of the Queen's terms.<sup>2</sup> In order to dispel this impression he submitted several reports to Rome on the state of Ireland. The gist of these was that the Confederacy was far from desperate; O'Neill was ready and able to deal with the parliamentarians; all that was required was money and supplies. He suggested that the Pope should either become Ireland's protector or, if that were not practicable, obtain for the Confederacy the protection of someone else. He also emphasised the fact that the delegates to Paris had no power to act before they had received his comments

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1. Embassy, pp.359-62; see also *ibid.*, p.364.

2. *Ibid.*, p.355.

on the requests of Plunket and Ferns.<sup>1</sup>

Rinuccini was convinced that the main object of the Ormondists was to bring back Ormond to Ireland.<sup>2</sup> He was right to suspect them but did so for the wrong reason. Two of the delegates to Paris, Muskerry and Browne, indeed represented the Ormondists and also carried secret instructions. At this time however, they had no expectation of Ormond's return. In Paris, they were carefully to avoid mentioning their demands for religion, because to do so would be to invite a rebuff. Instead, they should assure the Queen that most of the Irish were still loyal to the King - although it had to be admitted that there was a faction which was plotting to surrender Ireland to a foreign power. If only the Prince (sic) would come in person to Ireland, bringing with him money and supplies, the opposition could easily be suppressed.<sup>3</sup>

Of course, the official instructions of the delegates had to chime with those of the delegates to Rome. Thus, ~~they~~ they were to request the French King to mediate with Henrietta Maria. In the event that their negotiations with her came to nothing, they were to invite Louis XIV to

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1. Ibid., pp.359-62.

2. Although "No one spoke of the return of the Viceroy, on the contrary many protested they would never permit it." Embassy, p.520; see also *ibid.*, p.343.

3. Carte, III, pp.350-1.

become their protector.<sup>1</sup>

They were to inform Henrietta Maria that they were not authorised to discuss religious matters until they had received word from the Pope. As to things secular, they were to demand suspension of Poyning's Act while a free parliament enacted the terms of the Ormond Treaty and certain amendments to those terms - including a general act of oblivion and a guarantee that the most serious effects of the plantations of Ulster, Leix and Desmond should be ameliorated by legislation or in the common law courts. Finally, they were to ask the Queen to try to secure foreign aid on their behalf and to assure her that, should they be compelled to seek such aid themselves, no disrespect to the Crown would be intended.<sup>2</sup>

While the balance of power at Kilkenny was changing in favour of the Ormondists, events in England and France were shaping in such a way as to make possible the return of Ormond to Ireland. Shortly after his arrival in England Ormond was granted permission to visit the King at Hampton Court. At the beginning of their meeting he offered to resign his commission as Lord Lieutenant but the King refused to hear of it. Then, after narrating the events leading up to his departure from Dublin, he assured the

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1. Gilbert, VI, pp. 226-7.

2. Ibid., pp. 228-31.



King that he had taken precautions to safeguard the Royalist interest. He was keeping in touch with certain people who could be trusted to prevent Parliament from gaining absolute control.<sup>1</sup>

Ormond was doubtless referring to the activities of Digby, Clanrickard, Taaffe,<sup>2</sup> and Leyburn. These four, though shocked by Preston's defeat at Donga's Hill, had continued to make plans. Digby, who had at last obtained his safe-conduct and could quit the country at any time he pleased, had obviously concerted some sort of plan with Taaffe, whom he informed on August 20th:

"...and I do stedfastly rely also upon my Lord Dillons and Sir James Dillons adhering to our fortunes in case we cannot succeed in the ways now proposed of uniting this party to His Majestie's Authority..."<sup>3</sup>

From a second letter, dated August 31st, it is clear that Digby intended to use Taaffe's army to regain control over the Confederacy for the Ormondists. In this letter, he requested Taaffe to attract as many Ulster and Munster men to his colours as he could and to avoid any major action in which there seemed a risk of defeat. Taaffe was to be rewarded for his services with supreme command of the Irish armies. If the attempt to rally the peace party

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1. Carte, III, pp. 332-3.

2. Both Clanrickard and Taaffe had been asked by Ormond himself at his departure from Ireland to look after the Royalist interest. Gilbert (Bellings), VII, pp. 33-4.

3. Com. Rin., II, p. 706.

failed, Digby had a second string to his bow - Taaffe and he should take the army abroad into foreign service.<sup>1</sup>

Neither plan came to anything. Digby made two proposals to the Supreme Council, which they rejected,<sup>2</sup> and decided that it was time to find fresh employment elsewhere for his inexhaustible talents. He left for France in about the middle of September.

Before leaving he asked Leyburn to remain behind, since he was the only person left in Ireland who could work for the King. At first, Leyburn refused, but he agreed to stay if Digby would change his request to a direct command. Digby did so and Leyburn then joined Clanrickard at Kilkenny. Just before the Assembly met in November he proposed that the Nuncio should accept a viceroy of the Queen's choosing and "obtain from him all the concessions needful for religion." Rinuccini, who had forgotten his former poor opinion of Leyburn and now took him for an honourable man, agreed, provided the appointee were a catholic and the safeguards for the Church upon which he had always insisted were guaranteed.<sup>3</sup> Clanrickard also supported these provisions in expectation no doubt of becoming viceroy himself, but there is no

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1. Com.Rin., II, p.707.

2. Embassy, p.316; see also, Digby to Ormond, Caen, September 19/29, Carte, VI, p.546: "...and had not I likewise amused the fooles in my passage by Kilkenny with such discourses as might raise hopes of my being usefull to them in their distressed condition, I dow not beleieve I ever should have escaped their hands;..."

3. Embassy, pp.329-30.

evidence that Leyburn took any steps to inform the Queen of his conversation with the Nuncio.

No further part was played by Leyburn in Confederate affairs. He remained in Ireland until March 1648, residing most of the time in Galway, and then set sail for France accompanied by another ambassador to the Confederacy who had offered his good offices in vain, the Earl of Glamorgan.<sup>1</sup>

It had also been the intention of Clanrickard to leave Ireland at the same time as Ormond. But the rapid disenchantment of the Confederates with their absolute freedom led him to change his mind. Rinuccini made one more abortive attempt to win him over.<sup>2</sup> He still refused to commit himself.

There seems no doubt that in spite of Digby's departure Taaffe was determined to keep his army intact, in case it could be instrumental in restoring the royalist interest. He allowed Inchiquin to range freely about Munster inflicting great damage without giving him battle.<sup>3</sup> Nor is there any question that he and others of like mind, such as Muskerry, never ceased to urge a rapprochement with the King. Hardly a month had passed since Ormond's departure from Dublin when Sir Maurice Eustace informed him that all the Palesmen together with

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1. Leyburn, p. 61. Though ordered from France in November to return, Leyburn decided to stay pending a definite order from Digby. This came in March.

2. Embassy, pp. 322-3.

3. Ibid., p. 325.



Muskerry, Mountgarret, Taaffe, Preston and Bagnall, among others, "were ready to submit under the late peace, with the moderate exercise of their religion."<sup>1</sup>

It was with some justification, then, that Ormond assured the King that the royalist cause in Ireland was not quite dead. As for Charles, he was still juggling with several schemes even in extremis. Having first explained his hopes of a favourable outcome to his negotiations with the Army he told Ormond what he must do if they should fail after all. Like most of Charles' negotiations they soon did. Charles turned again to the Scots who recommended that Ormond should return to Ireland and make common cause with the Ulster Scots against Parliament.<sup>2</sup>

Ormond started at once to prepare the ground for his return. Through some unknown channel he gleaned the news that Inchiquin was restless and contemplating a break with Parliament. Here was an unexpected opportunity. If a truce could be arranged between Inchiquin and the Confederates and he could effect his own return, it would be possible to create a combination of forces large enough to smash the Parliamentarians. So, before leaving England for France, where he had to go to escape the

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1. Oct.8, Gilbert, VI,p.206.

2. Carte, III,pp.332-3;ibid.,p.339.

attentions of Parliament, now very suspicious of his intentions, he despatched his old friend Barry to Munster to spy out the land and to try to extract from Inchiquin a guarantee of support.<sup>1</sup>

Barry arrived in Munster and found Inchiquin instantly amenable. Arrogant, able and touchy, Inchiquin was by nature a lone wolf. He had deserted the King in 1644 mainly because he was offended by the tactless appointment of Lord Portland to the Presidency of Munster, but on balance he was still a monarchist, if anything but a cavalier. His brother, Christopher O'Bryan, was a loyal Confederate as were many of his relatives and towards the end of his life he was to become a catholic himself. But what influenced him most was the victory of the Independents in England. They, too, had treated him tactlessly and he disliked taking their orders. He preferred rather to ally himself with the Scots Presbyterians and the Confederacy with a view to restoring the King to power.

From Inchiquin, Barry went straight to Kilkenny with the news of a possible truce. It is to be assumed, also, that he meant to inform old acquaintances of Ormond's

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1. Ibid., p.340; *ibid.*, p.355. According to the Commentarius (III, p. 70) Ormond sent Barry from Paris. In fact, Barry was in Ireland before Ormond had even left England.

plan to return.<sup>1</sup>

At first sight Inchiquin's offer might have appeared the crudest effrontery in view of his notoriously brutal treatment of Catholics during the previous seven years. Only six months previously his troops had sacked Cashel, putting women and children to the sword. Yet his offer was clearly genuine, and at a time when the Confederates were apprehensively waiting for the start of Jones' Spring campaign, it had much to recommend it. Though a butcher, Inchiquin was very efficient. The military picture would be transformed if he not only ceased his operations against them but also applied his remarkable talents and furious energy to combating Parliament. To the Ormondists in particular he promised salvation when all seemed lost. Nor could Rinuccini easily spurn his offer for during the period of personal triumph after the declaration of the Ormond Treaty he himself had drawn up proposals for such a truce.<sup>2</sup>

And so, on March 1st, the Council asked Inchiquin to provide a safe-conduct for their commissioners.<sup>3</sup> In reply, Inchiquin submitted what were considered to be impudent conditions to one of the nominated commissioners, Dr. Fennell.<sup>4</sup> None the less, negotiations were begun.

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1. Carte, III, pp. 358-9; Com. Rin., III, p. 70.

2. Com. Rin., III, pp. 80-2.

3. Ibid., pp. 70-1.

4. Ibid., p. 73.



At first non-committal,<sup>1</sup> Rinuccini, at the time residing at Waterford where he had gone to meet Massari, shortly expected back from Rome,<sup>2</sup> took a strong stand against the truce when he heard of Barry's comings-and-goings at Kilkenny. This could mean only one thing. There was a conspiracy afoot to bring back Ormond-so that he could create more mischief-and to revive the Ormond Treaty. Once again he must fling all his resources into the fight against weakness and self-interest.<sup>3</sup> He decided against returning to Kilkenny in spite of pressing invitations from the Council but finally went back there in order to sustain the morale of his friends.<sup>4</sup>

The negotiations with Inchiquin, like all negotiations in which the Confederates engaged, were protracted.<sup>5</sup> In consequence, almost three months were to pass before agreement was finally reached. Moreover, they were kept going in spite of the violent quarrel which raged between the Council and Rinuccini and despite the doubts afflicting most of the Councillors.<sup>6</sup>

The controversy was carried on for the most part by letter and unilateral declarations. There is no point in

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1. The Council continued to believe that Rinuccini was at least acquiescent until the negotiations were well under way.

2. Embassy, p.523.

3. Ibid., pp.376-9.

4. Ibid., p.524.

5. It is possible to follow the negotiations in detail in the Commentarius, a diary of them having come into the hands of the authors (Com. Rin., III, p.70).

6. Even Taaffe had refused to declare for the truce. Barry also reported that only 5 Councillors were steady (Carte, III, pp.371-2).

labouring the arguments of both sides.<sup>1</sup> For Rinuccini it was unthinkable that they should ally themselves with the heretical persecutor of the faith. Relying upon the breach that had opened between the Scots and the Independents, he wished the Confederates to join forces with the Scots<sup>2</sup> and to march against Inchiquin rather than with him. On strictly moral grounds - allowing that his motives were unaffected by expediency - he was doubtless in the right, but, as the Ormondists viewed the position, this was no time for being high-minded. In the event, it became clear that many who had stood by the Nuncio in the past thought the same way, including, significantly, six of the bishops.<sup>3</sup>

So it was, that Rinuccini found it necessary to slip away secretly from the city to which he had once returned in triumph, rather than be present when the abhorrent truce was proclaimed.<sup>4</sup> As before, when his authority had been

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1. Gilbert (Bellings), VII, pp.39-52, pp.53-68; see also the Council's reasons for desiring and Rinuccini's for opposing the truce (Embassy, pp.387-91).

2. As long ago as January 5th Rinuccini had pointed out to Panzirolo the advantages of uniting the Scots and O'Neill's army (Embassy, p.357). He mentioned the same proposal again on February 24th (Com.Rin., III, p.73). To his regret he had approved a truce with the Scots in a letter to the Council dated March 1st (Plunket-Dunne MS. pp.519-20).

3. Gilbert (Bellings), pp.57-8.

4. There was a mystery connected with Rinuccini's flight from Kilkenny. Rinuccini apparently believed that there was a plot to assassinate him (based on a report brought to him by a Carmelite, Embassy, p.524), and so slipped away in secrecy. The Supreme Council obviously thought that he was play-acting in order to have a good excuse for his departure (Gilbert (Bellings) VII, pp.69-70).

challenged, he intended to resort to his trusted weapons but this time he did so in vain. Through over-use his censures had lost their coercive power. In consequence, not only his inveterate opponents but many others too were now prepared to brave excommunication and interdict rather than abandon a policy which they believed to be necessary.

On April 27th Massari, acting on the Nuncio's instructions, had arranged for a clerical decree against the truce to be posted on the church doors in Kilkenny.<sup>1</sup> It had had little effect. Nor when Rinuccini had assembled the bishops and published a declaration against the truce<sup>2</sup> had the Council been sufficiently intimidated to break off the negotiations.

The Inchiquin Truce was finally arranged on May 22nd, Inchiquin having already declared for the King.<sup>3</sup> The truce was to last until November 1st. In the meantime, normal relations were to be restored between Inchiquin's territory and that of the Confederates. Inchiquin gave a pledge that there would be no interference with Catholics in the practice of their religion. For their part, the Confederates agreed to contribute towards the maintenance of Inchiquin's army.<sup>4</sup>

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1. Com. Rin., III, pp.133-5.

2. Embassy, pp.525-6.

3. April 3. Inchiquin had been forced to show his hand much sooner than he intended (cf. Barry to Ormond, April 6, T.C.P., XXII, p.38).

4. T.C.P., XXII, p.62; Gilbert, VI, pp.235-9.



Rinuccini received the news at Maryborough where he had joined O'Neill. His immediate reaction was to issue a decree of excommunication against all who should support the truce.<sup>1</sup> The Council retaliated by appealing to Rome against the sentence,<sup>2</sup> and by forbidding the clergy to punish subjects for adhering to the truce.<sup>3</sup> But events did not follow the same pattern as after the publication of the Ormond Treaty. Then, the majority of the people had supported the Nuncio. This time he found himself dependent on a minority and opposed even by some of the bishops.<sup>4</sup>

Phelim O'Neill and Alexander Macdonnell acknowledged the truce. So also did Clanrickard who had played a part in arranging it. Indeed, on June 10, after seven years of neutrality, Clanrickard declared common cause with the Confederacy.<sup>5</sup> Preston naturally supported the truce but whereas in the past his allegiance had been of dubious value it seemed fairly safe to assume that he would not waver this time.

The stage was now set for the revival of the royalist cause in Ireland. All that was missing was a leader and,

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1. T.C.P., p.69; cf. "Rinuccini's censure of 27 May 1648" Ire.Theol.Quart., XVIII, pp.322-37, (October, 1951).

2. T.C.P., XXII, pp.72-8.

3. Ibid., p.79. This was a prohibition of questionable validity.

4. 8 out of 25 according to his own report. He had the support of Owen Roe O'Neill - although O'Neill had no intention of following him blindly - Antrim, the Franciscans (cf. C.Mooney, "Was Wadding a Patriotic Irishman" in Father Luke Wadding, p.36) and a large number of Augustinians and Dominicans (cf. Embassy, pp.532-3).

as Rinuccini had correctly foreseen, there was little question who that leader would be.

Ormond had arrived in Paris towards the end of March. He was cordially received by the Queen, who had already indicated her wish to forget the ill-feeling of the past<sup>1</sup>, and was just in time to take part in the negotiations with the three-man delegation from the Confederacy. All three delegates presented their instructions to Henrietta Maria who at once referred them to Ormond for his opinion. He noticed that there was no mention of religious demands and advised the Queen to offer no counter-proposals until these had been particularised. It was also essential to make it clear that "his Ma<sup>tie</sup> will not admitt of the Popes interposition betwixt him and his subiects."<sup>2</sup>.

Skilfully taking her cue Henrietta Maria refused to give a plain answer to the delegates on the grounds of their own silence on the subject of religion and the general woolliness of their proposals. However, she claimed to be sufficiently encouraged by their expressions of loyalty to feel justified in sending a plenipotentiary to Ireland to negotiate a

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5. Plunket-Dunne MS. p.532; Gilbert (Bellings), VII, p.100. (from previous page).

1. Henrietta Maria to Ormond, Sep.22, 1647, T.C.P., XXI, p.278; see also Prince Charles' Letter of approval, Oct.5, 1647, Carte, VI, p.548.

2. April 5, T.C.P., XXII, p.57.

settlement with them.<sup>1</sup>

All this was dumb show. Ormond had already unfolded his plan to return to Ireland and had described his expectations of Inchiquin. Furthermore there were private discussions between Ormond, Muskerry and Browne, of which Antrim was kept in ignorance. During these talks, Muskerry and Browne disclosed their secret instructions and Ormond announced his intention of returning to Ireland. Not surprisingly, therefore, Muskerry and Browne obligingly concurred with the Queen's proposal to send a plenipotentiary. They then prepared for their return journey.<sup>2</sup>

Antrim was highly dissatisfied, however. On his own account he had never abandoned hope of becoming Lord Lieutenant, and he could scarcely approve of what was a transparent scheme to restore Ormond to his old office.<sup>3</sup>

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1. Ibid., May 13, Gilbert, VI, pp.231-2.

2. Rinuccini was sent a remarkably accurate account of this intrigue by a correspondent in Paris. One part of it read: "It is agreed that those two commissioners with Taaffe and Inchiquin, shall convince and join together with all Presbyterians in Ireland against the Catholickes, and especially against the clergy, and those adhere to them, to force them to receive the viceroy, Ormonde will come after." This was not exactly accurate but Rinuccini was bound to believe it. In some way the letter eventually came into Clanrickard's possession, among whose papers it was found by Bellings (Gilbert, VII, p.101).

3. Another old pretender to the office, the Earl of Glamorgan, now Marquis of Worcester, also appeared in Paris about this time with hopes of promotion undimmed. Before his final departure from Ireland Rinuccini had provided him with several testimonials from which it is evident that he hoped to be formally appointed viceroy (cf. Embassy, pp.319-20).



Besides, he was to some extent pledged to act on the Nuncio's behalf in collaboration with a certain Abbé Crelly, who had been sent by the Nuncio to restrain him from acting recklessly and to thwart the plans of Muskerrey and Browne.<sup>1</sup> In his opinion, the Queen's reply was therefore unsatisfactory and they must obey the instruction which they had been given to stay in Paris until the Pope had made known his decision. When Muskerrey and Browne still persisted in returning home, he announced his intention of staying behind.<sup>2</sup>

By the time Muskerrey and Browne had got back to Kilkenny in July, it had been considered safe to name Ormond as the Queen's plenipotentiary. The Council decided to summon a General Assembly for the purpose of drawing up the propositions to be submitted to Ormond upon his arrival. This was the constitutional function of the Assembly, but in any case the Council was probably thankful for the opportunity of scotching the rumour that they were clandestinely negotiating a settlement.<sup>3</sup>

"The war between the Ormondists and the Rinuccinians was now all over the kingdom."<sup>4</sup> The Nuncio had retired to

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1. Cf. Rinuccini to the Nuncio in France, Feb.5, *ibid.*, pp.368-9; same to Panzirolo, Feb.5, *ibid.*, pp.369-70.

2. Hill, p.333.

3. Cf. the Declaration of the Supreme Council, July 7, T.C.P., XXII, p.94. They will accept no terms save those agreed by the Assembly "avoyding the calumn bruited ag<sup>t</sup> them to the contrary."

4. Plunket-Dunne MS. p.545.

Galway so as to be in a position to leave the country at a moment's notice if an emergency should arise. When he summoned a national synod of the clergy for August 15th with the intention of trying to influence the people over the heads of the Supreme Council, as he had done after the Ormond Treaty had been announced, the Council retaliated by prohibiting it.<sup>1</sup> They also prescribed the supporters of Owen Roe O'Neill.<sup>2</sup> According to Rinuccini, about half the members of the Council had walked out as a gesture of loyalty to the clergy, but this was scarcely to his gain since they were promptly replaced by fervent Ormondists.<sup>3</sup>

Although they had driven Rinuccini back on to the defensive, the Ormondists realised that they could not maintain the pressure in the absence of Ormond. His presence among them soon became a matter of vital concern. Inchiquin was also uneasy and sent Ormond a stream of letters, each more urgent than the last, pointing out the need for haste.<sup>4</sup>

It is difficult to explain why Ormond took such a long time to prepare for his return to Ireland. As early as June 3

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1. Declaration of July, T.C.P., XXII, p.107; Embassy, p.406.

2. T.C.P., XXII, p.115.

3. Embassy, p.534. It seems pretty certain that a number of Councillors were opposed to the truce; cf. Inchiquin to Ormond, May 29, Carte, VI, p.550.

4. The first one was on May 29, *ibid.*, p.549. It was in August, however, that he became seriously alarmed; cf., for example, his letter of Aug.19, T.C.P., XXII, p.121; see also Ormond to Jermyn, Sep.30, Carte, VI, p.562.

he had instructed a certain Captain Phil Roche to inform Inchiquin that he was being held up for want of a ship<sup>1</sup> and yet he did not even leave Paris until August 11th. Part of his trouble was lack of money<sup>2</sup> for it was essential that upon landing in Ireland he should provide funds for making up the arrears of pay due to Inchiquin's army. But there must have been other reasons.

It is easier to explain his delay after leaving Paris. Then he held back for reasons beyond his control. First he could not find a ship and then when he did there was an error in navigation by the captain and the ship ran aground. As a consequence, he did not set sail until the end of October.<sup>3</sup>

Meanwhile, deputies had been arriving at Kilkenny. The primary object of the ninth General Assembly, which sat from September 4th until January 17th, 1649, was to discuss the conditions under which they should collaborate with Ormond. Adherents of the Nuncio, who included among their number the Earl of Antrim, by now returned from France<sup>4</sup>, did not attend, with the result that the Assembly was

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1. Ibid., p.84.

2. Cf. Ormond to the Prince of Wales, Aug.31, *ibid.*, p554.

3. Carte, III, pp.384-5.

4. Cf. Plunket-Dunne MS., pp.538-40.



scarcely above half strength.<sup>1</sup> Despite Rinuccini's command to stay away, eight of the bishops took their seats.<sup>2</sup>

The Assembly tried further to assert its authority by issuing a peremptory attendance summons to all absent members under pain of being proscribed as traitors.<sup>3</sup> Again, to counter the charge that they were about to betray their faith, they issued a proclamation on September 14th swearing to safeguard church interests and to stand by all the enactments of previous assemblies.<sup>4</sup> This was followed by two further proclamations aimed at destroying the power of Owen Roe O'Neill: the first proclaimed O'Neill himself a traitor;<sup>5</sup> the second ordered all his supporters to submit or to be declared traitors also.<sup>6</sup>

They also launched the most vigorous attack yet made against the Nuncio. Despite his censure of May 27th, the clergy were called upon to swear obedience to the Assembly under pain of being imprisoned or exiled. The Bishops were not to be obeyed until they themselves obeyed the Assembly. Religious superiors who refused to conform

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1. Only three members attended from Ulster, Com.Rin., III, p.605; Connaught was also poorly represented, ibid., p.579.

2. Rinuccini to Panzirolo, Oct.10, Embassy, pp.422-3; Com.Rin., III, pp.599-602. According to the Commentarius 12 bishops eventually attended (ibid., p.692) but of these only 9 signed the peace treaty.

3. Gilbert, VI, pp.279-80.

4. T.C.P., XXII, p.144.

5. Ibid., p.177.

6. Ibid.

would be replaced by the Assembly's nominees.<sup>1</sup> Finally, on October 19th the Assembly curtly informed Rinuccini that they were sending a formal accusation against him to Rome.<sup>2</sup>

Accompanied by the Earls of Roscommon and Castlehaven Richard Butler and the ubiquitous Daniel O'Neill, Ormond landed at Cork on September 29th.<sup>3</sup> He promptly sent Castlehaven to Kilkenny to announce his arrival<sup>4</sup> and notified Blake, President of the Assembly, that, having authority to negotiate a treaty, he was going to take up residence at his house at Carrick<sup>5</sup> and there await their proposals.<sup>6</sup> Simultaneously, he published a statement for the benefit of Inchiquin and the Munster Protestants to the effect that he would do nothing to damage the Protestant faith and that their return to the King's service erased the memory of past differences.<sup>7</sup> Thereupon he went to Carrick House where he was greeted by a reception committee from the Assembly led by the Archbishop of Tuam.<sup>8</sup> No more tactful

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1. Com.Rin., III, pp.606-10.

2. Gilbert (Bellings), VI, pp.294-300.

3. Carte, III, p.387.

4. Memoirs, p.73.

5. Cf. his reasons for residing at Carrick; Ormond to Taaffe, Carte, VI, pp.563-4.

6. Oct.4, T.C.P., XXII, p.192; Gilbert, p.282.

7. Carte, III, pp.390-2.

8. Embassy, p.457.

way could have been devised to illustrate the changed times.

In his painstaking way Ormond had already asked the King to confirm his commission in case doubt might be cast on his legal standing - after all, his original commission had technically lapsed. In order to make his position still more secure he now asked the King to send approving letters to Taaffe and Inchiquin.<sup>1</sup>

From England, Charles, now engaged once again in tortuous negotiations with Parliament, contrived to warn Ormond to ignore rumours of an impending agreement.<sup>2</sup> Upon receiving intelligence of the renewed relations with the Confederates Parliament tried to secure the King's disavowal of Ormond. Charles cleverly avoided doing so by pointing out that as he had already relinquished control of Irish affairs to them it was scarcely his responsibility to issue <sup>such</sup> a statement.

Although the avowed Nuncioists had absented themselves from the Assembly, the Ormondists continued to fear a national reaction in Rinuccini's favour. Thus Taaffe warned Ormond that to delay would be dangerous.<sup>3</sup> John Walsh urged the need for speedy action while the Assembly was so favourably composed and only hoped that the plea for delay, made by several members who wished to avoid any commitment until the delegates to Rome had returned, would be ignored.<sup>4</sup>

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1. Carte, III, pp.388-92.

2. Oct.10, Carte MS., 63, f.52; the King sent another letter on October 28th (ibid., ff.66-8). See also Carte, III, pp.388-9.

3. T.C.P., XXII, p.187.

4. Ibid., p.188.



Dr. Fennell thought it important that Daniel O'Neill should make an effort to win over his uncle.<sup>1</sup> Edmund Butler reported a rumour that a Cardinal was being sent by the Pope to ruin Ormond's mission.<sup>2</sup> Ormond himself informed Jermyn that the Confederates were in a mood to treat, but that all would yet be lost if supplies were not soon received by Inchiquin's army.<sup>3</sup>

On October 9th Blake congratulated Ormond on his return and informed him that peace commissioners would be sent to Carrick within a few days.<sup>4</sup> He wrote too soon, for trouble arose when it came to the election of commissioners. Among the twelve nominated was one bishop.<sup>5</sup> In protesting against the bishop's inclusion Taaffe pointed out that Ormond had consistently refused to negotiate in the presence of a prelate, but was howled down for his pains.<sup>6</sup> It was yet another sign of the changing climate, however, that Ormond decided not to object.

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1. T.C.P., XXII, p.193.

2. Ibid., p.159.

3. Ibid., p.224.

4. Ibid., p.205; Gilbert, VI, p.283.

5. Muskerry was among those selected but begged to be excluded from the list which consisted finally of the following: Taaffe, Westmeath, Upper Ossory, Phelim O'Neill, Myles O'Reilly, Talbot Burke, Geoffrey Browne, Donough O'Callaghan, John Walsh, Richard Barnewall, Sir Robert Talbot, and the Archbishop of Tuam.

6. Taaffe to Ormond, Oct.11, Gilbert, VI, pp.283-6.

A Committee of Instructions was appointed to act as an intermediary between the Assembly and the Commissions; to make reports to the one and to give instructions to the other.<sup>1</sup>

Formal propositions were presented to Ormond on October 17th,<sup>2</sup> a month's extension of the truce with Inchiquin having previously been arranged so as to allow a reasonable period for negotiations.<sup>3</sup> Ormond warned that he would need time to consider them.<sup>4</sup> Then, almost a week later, he asked the Commissioners if they had power to modify any of their demands.<sup>5</sup> They replied that any major amendment would have to be referred back to the Assembly.<sup>6</sup>

Even this short delay had alarmed the Assembly which went in dread of a surprise attack by O'Neill. And so, having first urged Ormond to make up his mind quickly,<sup>7</sup> they invited him to reside at Kilkenny in order that his discussions with the commissioners need not be slowed down by references back to the Assembly.<sup>8</sup> Ormond accepted

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1. Ibid., p.284.

2. The Commission from the Assembly was dated Oct.16, T.C.P., XXII, pp.247-50; Gilbert, VI, pp.288-9; the propositions are printed in Gilbert, *ibid.*, pp.290-3.

3. Blake to Ormond, Oct.13, T.C.P., XXII, p.233; Ormond to Blake, Oct.15, *ibid.*, p.241. There were to be several renewals of the truce before peace was finally declared.

4. Gilbert, VI, pp.293-4. The message was delivered by Lane.

5. Ibid., pp.301-2; T.C.P., XXII, p.270.

6. Ibid. p.273; Gilbert, VI, pp.302-2.

7. Mountgarret to Ormond, Oct.26, T.C.P., XXII, p.287; Gilbert, VI, p.304.

8. Blake to Ormond, T.C.P., XXII, p.291; Gilbert, VI, pp.304-5.

their invitation.<sup>1</sup>

The remarkable feature of these negotiations was that both sides were bargaining from weakness. Ormond had no resources of his own whatsoever and the Assembly could not have resisted an incisive attack by O'Neill. Indeed, for months the Confederates had been relying upon "Murrough of the burnings" to protect them from O'Neill. Not that there was any guarantee that Inchiquin could - or would - defend them effectively in the event of their being attacked. What was really saving them was the forbearance of O'Neill, who continued to be more open-minded than they would ever be themselves. O'Neill was too upright a man ever to appreciate to the full the malice governing the actions of others. Thus he had felicitated Ormond by letter on his return and expressed the hope that he would not be overlooked in the good conditions which, he understood, the Queen was prepared to offer.<sup>2</sup> He had also requested the Assembly to receive a delegation from him to discuss Ulster grievances, only to have his proposal summarily rejected.<sup>3</sup>

Ormond took exception to the Commissioners' first proposals which amounted to a repetition of the Glamorgan concessions. The Commissioners presented amended proposals on November 17th,<sup>4</sup> but he was unable to examine them at once

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1. Gilbert, VI, pp.305-6.

2. Oct.13, T.C.P., XXII, p.234.

3. Taaffe to Ormond, Oct.11, Gilbert, VI, p.285.

4. Ibid., VII, pp.133-4.



owing to a sudden outbreak of mutiny in Inchiquin's army with which he was forced to deal. From the start Inchiquin had expected trouble of this sort. News of the defeat of the Scots in England, he had informed Ormond on October 25th, had incited some of his officers to declare their support of the Independents<sup>1</sup>. Ormond adjourned discussions with the commissioners so as to go to Inchiquin's assistance at Cork. In the meantime, the Assembly passed a resolution forbidding any member to leave Kilkenny<sup>2</sup>.

Ormond was apparently so disturbed by what he found at Cork that, for a second time, he asked the Prince of Wales to come to Ireland at once and to send the fleet to Southern Ireland<sup>3</sup>. And yet, the mutiny was suppressed in under a fortnight! Ormond always overestimated the seriousness of the troubles with which he had to deal!

During his absence from Kilkenny, Plunket and French returned from Rome. Contrary to Rinuccini's expectations they went straight to Kilkenny to report to the Assembly and not to Galway to confer with himself<sup>4</sup>. Nor had the Pope felt able to provide the aid and comfort for which

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1. T.C.P., XXII, p.282; see also Inchiquin's address to His Soldiers, Nov.10, where he referred to "a revolted party of horse officers who are labouring to betray this noble army into the hands of the Independents." (Gilbert, VII, p.132.)

2. Nov.20, *ibid.*, p.144.

3. Nov.27, *ibid.*, pp.149-50.

4. *Com.Rin.*, III, p.659.

he had hoped. While finding it impossible to give formal sanction to any treaty arranged with a heretical prince, Innocent had refused to specify the religious conditions upon which the Confederates must insist. Moreover, without apportioning the blame to one side or the other, he had made it plain that he was displeased by the appearance of a national split. He had not been able even to provide any money.<sup>1</sup>

French did not help to improve matters for the Nuncio by reporting that certain members of the Curia had criticised him for being too quick to resort to spiritual sanctions, and by bringing<sup>back</sup> with him a brief addressed to the Supreme Council in which the Pope, ignorant of Rinuccini's irrevocable break with them, exhorted the Irish Catholics to bury their differences.<sup>2</sup> There was also a letter for the bishops which, in defiance of the Nuncio, French delivered to the minority in Kilkenny.<sup>3</sup> As if he had not damaged the Nuncio's prestige sufficiently, French also allowed it to be known that he was the bearer of a letter from Cardinal Roma to the Nuncio<sup>4</sup> in which the Cardinal deprecated the Nuncio's use of the penalty of excommunication. In brief, the embassy to Rome which had been Rinuccini's counter to the pro-Ormondist delegation

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1. Cf. Sir Richard Blake to Sir Robert Lynch - Mission to Rome, Nov. 25, Gilbert, VII, pp. 146-8; see also Bellings to Ormond, *ibid.*, pp. 148-9.

2. Com. Rin., III, pp. 665-6.

3. Com. Rin., III, pp. 667-9.

4. Com. Rin., III, pp. 685-6.

to Paris, proved to be his undoing, for it now seemed that the Pope on the whole favoured a settlement with Charles I. The eyes of waverers were opened.<sup>1</sup>

In fact, while feeling that Rinuccini had been less than diplomatic in his handling of the political situation and imprudent to make such free use of ecclesiastical weapons, the Pope had never intended to detract from his authority. At the very time when Kilkenny was abuzz with the criticisms voiced in Rome a letter was on its way to Rinuccini from Cardinal Panzirolo approving of his recent actions, especially of the censure of May 27th which was the principal grievance of his opponents.<sup>2</sup> Unfortunately, this letter did not come into the Nuncio's hands until December 12th and by that date people had been so impressed by French's reports that it was impossible to influence them to think differently.<sup>3</sup>

French himself was quite unaware of the damage he was doing to the Nuncio's reputation. It had always been his concern to steer between the Ormondists and the Nuncioists in the hope that they might eventually be reconciled. The time had now come for that reconciliation to take place.<sup>4</sup>

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1. Plunket-Dunne MS. p.960: see also Bellings to Ormond, Gilbert, VI, pp.147-9.

2. Com.Rin., III, p.682.

3. No one believed that he had actually received the letter; cf. Embassy, pp.444-5.

4. The part played by Nicholas French in promoting the second Ormond Treaty is described in detail by P.J. Corish in "Bishop Nicholas French and the second Ormond peace" in I.H.S., VI, pp.83-100.



Encouraging the Nuncio in his militancy was obviously the last thing to do. Hence his successful attempt to convey the impression that opinion in Rome was in favour of compromise. That, even so, French did not intend to harm the Nuncio is shown by the fact that he made vain efforts to reconcile him and Owen Roe O'Neill with the Supreme Council.

Shocked and saddened by the cordial welcome accorded Ormond and the vicious attacks made upon him by the Assembly, Rinuccini had at first contemplated immediate departure. On second thoughts he had considered it his duty to remain, since his presence might deter the Ormondists from signing an agreement before the delegates had returned from Rome. The decision of Plunket and French to go to Kilkenny and the report they had given of their mission came to him therefore as a crushing blow. He declined French's invitation to come south to Kilkenny for a discussion<sup>1</sup> with the frigid rebuke that he wished first to hear his report from Rome.<sup>2</sup> And when French asked all the bishops to convene at Kilkenny so that they could be informed of the contents of the papal letter to them,<sup>3</sup> Rinuccini told the bishops they were under no obligation to attend.<sup>4</sup> Receipt of Panzirolo's letter

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1. Com.Rin., III, p.667.

2. Ibid., p.671.

3. Ibid., p.675.

4. Ibid., p.668.

on December 12th afforded him the comfort of knowing that he had not been deserted by the Curia, but he seems to have realised that though truth was on his side it was no longer possible for him to make an effective impact on the negotiations at Kilkenny. So he contented himself with informing French of the nature of Panzirolo's letter.<sup>1</sup> In any case, he had driven himself so unsparingly for the past three years that his vitality was now spent.<sup>2</sup>

French also failed to reconcile O'Neill. In an amiable letter he begged the Bishop of Clogher to persuade O'Neill to support the negotiations. Ormond also lent a hand by sending Daniel O'Neill on a good-will mission to his uncle. Owen Roe was far from unwilling to grasp the extended olive branch but felt compelled out of loyalty to insist that the Nuncio should be invited to take part in the talks with Ormond. Ormond refused to consider this stipulation.<sup>3</sup> So it was that O'Neill was excluded from the benefits of the treaty. Antrim was also excluded because he too refused to be reconciled.<sup>4</sup>

The treaty negotiations were not resumed until December 19th when Ormond delivered his belated reply to the Confederates' last proposals. The long delay was not the ~~fault~~

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1. Ibid., p.675.

2. Cf. the resigned tone of his letter to French, Dec. 18, *ibid.*, p.676.

3. Nov. 26, *ibid.*, p.690.

4. Ormond to O'Neill, Nov.21, *Aphor. Disc.*, 1, pt.11, pp.753-4; O'Neill to Ormond, *ibid.*, pp.753-4.

fault of the Confederates. For once, they wished for a quick result. Inchiquin's soldiers had been accustomed for so many years to living rough and taking what they found that it was proving impossible to prevent them from committing outrages in Confederate quarters.<sup>1</sup> In consequence, it was desperately important to remove the need for their presence. The delay was also due to some serious sickness which affected Ormond.<sup>2</sup>

The proposals which had been submitted to Ormond by the Confederate Commissioners on November 17th were primarily concerned with the four religious articles tacked on to the new oath of association at the clergy's instigation in February, 1647. In a nutshell, these articles amounted to a demand that the Catholic Church should enjoy exactly the same status that it had enjoyed under the last Catholic King, Henry VII, and that all the churches and lands in the clergy's possession at the present time should be retained.<sup>3</sup> Obviously these terms were grossly excessive in the opinion of Ormond. Thus in his reply he agreed that the penal laws against Catholics should be repealed but would give no assurances regarding church property or clerical jurisdiction beyond saying that neither would be interfered with pending the summoning of a free Parliament and the expression of his Majesty's pleasure.<sup>4</sup>

This reply marked a great advance from the times when

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1. Cf. Bellings to Ormond, Nov. 26, Gilbert, VII, p.149; Blake to Ormond, Nov.25, *ibid.*, p.146.

2. Ormond to Blake, Dec.19, *ibid.*, p.155; Carte, III, p.405.

3. T.C.P., XXII, p.247; Gilbert, VI, p.290.

4. T.C.P., XXIII, pp.35-6; Gilbert, VII, p.156.



Ormond had refused even to take note of such claims but it afforded no consolation to the bishops, who were perfectly aware that in practice they were being asked to waive their claims for the Church.<sup>1</sup> Nor were they reassured when a committee of the Assembly was appointed to study Ormond's reply in detail,<sup>2</sup> for in addition to themselves it consisted of thirteen laymen who could, if they so wished, outvote them. For the time being, however, there was to be no friction. The Committee reported to the Assembly that Ormond's reply was unsatisfactory.

At this, the Assembly instructed its Committee to arrange a meeting with Ormond for the purpose of trying to reduce the gap between them.<sup>3</sup> This meeting took place on the evening of December 20th. On their side, the Committee attributed to Ormond the authority to guarantee that the clergy would not be disturbed either in the possession of their present livings or in the exercise of their religion.<sup>4</sup> This was obviously their way - under pressure from the bishops - of extracting some kind of legal support for the Church's position since 1641. Evidently alive to their object Ormond pretended to discern no difference between what they were now insinuating he should do and what he had agreed to do already.<sup>5</sup>

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1. This is evident from their subsequent proposals

2. T.C.P.,XXIII,p.34; Gilbert,VII,pp.154-5.

3. T.C.P.,XXIII,p.38; Gilbert,VII,pp.156-7.

4. T.C.P.,XXIII,p.40; Gilbert,VII,pp.157-8.

5. T.C.P.,XXIII,p.46; Gilbert,VII,p.159.

A further exchange of views followed in which Ormond re-stated his position and the Committee repeated their demands on behalf of the clergy.<sup>1</sup> It was now clear that Ormond was inflexible. Thus the lay members of the Assembly were forced into a position where they must reconcile themselves to failure or drop the clergy's claims for security altogether.

In effect, the decision lay with the bishops. The Nuncio's party alleged that the bishops at Kilkenny were exploited by the Ormondists who first lured them to the city in order to prevent the Nuncio from organising an effective opposition and then set up a committee in which the bishops were in a minority so as to give the impression of consulting clerical opinion while being in a position to outvote its representatives. It is doubtful if the bishops were in fact so gullible and almost certain that their views were not ruthlessly overridden. All the signs indicate that they went to Kilkenny precisely because they deplored the civil strife of the past few years and recognised the need for compromise with Ormond. Moreover, it is odd that the Committee should have so faithfully reflected their opinion if the Ormondists really intended to outvote them.

This is not to claim that the bishops were satisfied

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1. Cf. T.C.P., XXIII, pp. 45, 57-8; Gilbert, VII, pp. 160, 163, 164-5; see also the article by P.J. Corish, op.cit., where, for once, there is a complete account of the negotiations between Ormond and the Confederacy on a particular occasion.

2. It is quite plain that Ormond had to take into account the unyielding attitude of Inchiquin's army (cf. his argument that the word "jurisdiction" had been omitted in the Articles of Cessation, T.C.P., XXIII, p. 58.).

with the turn taken by the negotiations or that a strong party in the Assembly were impatient of delay. Even so, it would seem that a decision would have been indefinitely postponed had not Inchiquin sent news to Kilkenny of the break-down off negotiations between Charles and the Army and the consequent threat to the King's life.<sup>1</sup> This news undoubtedly sobered the whole Assembly. But its main effect was to give the convinced supporters of peace an excellent opportunity to carry the main body of the Assembly with them. Accordingly, on December 28th, the Assembly agreed to rest satisfied with Ormond's non-committal answers to their four propositions concerning religion and to place their hopes in "the clause of further reference to his majesty's gracious favours and further concessions." <sup>2</sup>

It was only now that a clash arose with the bishops who felt naturally that they had been left with no safeguards. The Assembly sought to justify their resolution by arguing that they had been bound to adhere to the four propositions not under any circumstances whatsoever but only "to the utmost of their power"; they considered that in the present case they had <sup>t</sup>strained their adherence to the uttermost and were therefore entitled to decide that the time had come to waive the propositions.<sup>3</sup> The bishops were highly displeased with this explanation<sup>4</sup> and gathered together to decide what to do.

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1. Carte, lll, p. 407.

2. T.C.P., XXlll, p. 72; Gilbert, Vll, p. 171.

3. T.C.P., XXVll, p. 77; Gilbert, Vll, pp. 172-3.

4. Cf. Nicholas French to the Nuncio, Dec. 30, Com. Rin., lll, p. 678.



A few of them considered it wrong to yield to the Assembly's decision and wondered if they should not transfer their support back to the Nuncio. Others, including French, regretfully decided that they could not re-open the old division at this stage.<sup>1</sup> Their view prevailed. Nevertheless, the bishops continued to insist upon the preservation of their jurisdiction.

For once, Ormond departed from his practice of never going back on a "final offer" and intervened with a timely concession. He would, he said, accept the interpretation of his authority to recognise the Church's right to jurisdiction which was implicit in the draft presented to him on December 21st.<sup>2</sup>

No more serious obstacles remained. A few problems arose concerning the interim government which was to be set up but these were ironed out with the help of Inchiquin who was brought in on the final stages of the negotiations by Ormond.<sup>3</sup> Knowledge, as they believed, of the Pope's favourable attitude, Owen Roe's refusal to desert the Nuncio, the depredations of Inchiquin's men, fear of the imminent build-up of Parliament forces, above all concern for the King's life, these were the considerations which had helped to make up the deputies' minds.

Formal approval of the peace was delayed by the Assembly

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1. Walsh, Irish Remonstrance, pp.614-5. Fr. Corish (op.cit.) may have overestimated the part played in this debate and indeed in all these negotiations by Nicholas French.

2. See above p.678.

3. Carte, lll, p.407.

until January 16th.<sup>1</sup> With a fine display of ceremony the treaty itself was ratified by Ormond sitting in state in Kilkenny Castle on January 17th.<sup>2</sup> Immediately, the Confederacy was presumed to have ended its existence.

Opinions as to the generosity of the second Ormond Peace varied according to the affiliations of the observer. Protestants generally were hostile. Ormond himself admitted:

"I shall confess that the terms must have bin something more unreasonable than I should have stuck at after the sight of the Army's Remonstrance..."<sup>3</sup>

Inchiquin, the Ulster Scots and a good number of Irish Catholics gave it a grateful but far from ecstatic welcome. Nine of the bishops published a letter in its favour.<sup>4</sup> Both Rinuccini and Owen Roe naturally condemned it.

The Confederates had gained by comparison with the first Ormond Treaty, though Ormond had been careful to insert a conditional clause affecting the implementation of the whole settlement. No longer were Catholics to be subjected to the jurisdiction of the Anglican church nor would they be compelled to take the oath of supremacy. The Irish Parliament

1. Gilbert, VII, pp.179-80.

2. Cf. the speeches of Ormond and Sir Richard Blake, *ibid.*, pp.180-4.

3. Ormond to Lord Lanerick, Jan. 21, T.C.P., XXIII, p.183.

4. Gilbert, VII, p.213. Among the bishops was Nicholas French. How differently he viewed the treaty after the Restoration: "It is remarkable that the Peace was concluded in a time, when the Irish Nation was in a most flourishing condition, having Armies in the field, and most of the Cities and great Towns in their possessions, and more than three parts of the Kingdom under their command, when they were courted by the Parliament of England, and solicited by some neighbouring Potentates..." (*op. cit.*, p.109).

was to be independent of the two houses of Parliament in London. But the vexed questions of ecclesiastical jurisdiction and the ownership of Church lands were to be shelved until the King's pleasure could be made known.<sup>1</sup>

In retrospect, it could be seen that the treaty had been arranged too late. For the Irish Catholics, it was little short of being the disaster its hostile critics claimed it to be. The alliance with Ormond failed to save them from the cruel punishment of Cromwell. Nor did the government of Charles II see fit to honour the terms of the treaty.

Assured of 2,500 foot and 1,500 horse Ormond proudly invited the Prince of Wales to Ireland. He never came.<sup>2</sup>

In England, Charles I had barely a fortnight to live. It is doubtful if he ever knew that peace had been proclaimed at last in Ireland.

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1. Gilbert, VII, pp.184-211.

2. Cf. Ormond's memoranda for the Queen of England and Charles Prince of Wales, Jan.26, *ibid.*, pp.227-32. By coincidence the Prince had written at about the same time saying that he was willing to join Ormond (Jan.21, *ibid.*, p.217). Unhappily for Ormond, he never did so.



Conclusion.

The organised Irish Catholic movement did not long survive Charles I. Ormond proved to be curiously inept as commanding general and O'Neill was not reconciled until it was too late. In consequence, the Confederates were no match for the ruthlessly efficient army sent over from England.

When Cromwell had done with the Irish Catholics, they were much worse off than they had been on the eve of the Rebellion. Nor was their grim condition ameliorated by Charles II despite the terms of the second Ormond treaty. Their decade of independence had gained them little but grief.

And yet, the Rebellion might have brought substantial benefits if they had only formulated a definite policy and pursued it consistently. Their primary object should have been to prevent the English Parliament from becoming so powerful that it could invade Ireland and destroy them. And they should have realised that this presented them with a simple choice: either to assist Charles with all their strength so that he might overcome Parliament or to leave Charles to his fate while they concentrated upon making the island impregnable.

To be of value, support for Charles I had to be unqualified, ungrudging and prompt. There was no point in

opening negotiations unless they were prepared to send an army to England while he still disposed of effective forces. In turn, this involved trusting Charles to improve their condition as subjects and Catholics when the war was over and abandoning the special claims of the Church and the dispossessed Ulstermen.

Renunciation of the English Monarchy called for great courage but it was the only way to recover full freedom for the Church and to obtain justice for the dispossessed.

It involved seeking aid from the Catholic rulers of Europe, eliminating the Irish Royalists and transforming Ireland into a giant fortress. Incidentally it obviated the need for trusting the word of Charles I.

In the event, the Confederates neither supported Charles wholeheartedly nor declared their independence but simply drifted where the pressure of events led them. The blame for this aimless policy lay principally with the Ormondists.

Given that Charles I was trustworthy, the postulate of their case, it was dangerous to waste time trying to extract from him concrete guarantees which he dare<sup>d</sup> not give. They had to put their doubts behind them and sweep aside the protests of the opposition. It was their characteristic hesitation rather than his own lack of drive which caused Glamorgan's mission to founder. When they did finally steel

themselves to take up the King's cause, Rinuccini arrived on the scene and wrecked their plans. The Ormondists had to wrestle with many problems, they were, on the whole, intelligent and civilised, they were also far from being mere slaves to self-interest, but when all has been said in their favour, they were not men of action. This proved to be a fatal deficiency.

Rinuccini's advocacy of the total conquest of Ireland including the Royalist sector - the implication of his policy despite any claims to the contrary - was based on the assumption that to put their faith in Charles I was foolish. Having helped him to crush the Puritan movement what was their assurance that he would keep his promises? He was compelled to correspond with them in secret precisely because he dare<sup>d</sup> not estrange his own advisers, his Lord Deputy, the Irish Council and the Irish Protestants. Would not these antagonists be even more intolerant when no longer menaced by Parliament? The very most they could hope to secure was religious sufferance and the humiliating status of second-class citizens.

On the surface Rinuccini's case was strong. But he overlooked the human factor in Anglo-Irish relations. The majority of the New Irish could never bring themselves to renounce the English Crown. That they were allied to it by selfish ties may have been regrettable but did not alter



this central fact. Rinuccini seemed to think that it did. Consequently he tried to impose his policy by force and only succeeded in destroying national unity. He also made the mistake of underestimating the strength of insular feeling in Ireland and so overreached the authority which an ultramontane bishop could afford to exercise. A more subtle and less inflexible man might have enjoyed more success.

Instead of exacerbating the ill-feeling that already existed between the Old and the New Irish, Rinuccini should have emphasised the importance of solidarity. He should never have used ecclesiastical sanctions to ~~enforce~~ what were in fact political decisions. In the long run, he would have deserved most praise if he had eschewed political action. altogether, fortified the Irish Catholics in their faith, and encouraged them to aid Charles I. For even though Charles could not be trusted and were doomed to defeat even with their help, they would have fought and lost as one nation and earned some measure of gratitude from Charles II and a good number of Englishmen.

The Confederates were not alone responsible for the disaster which befell them and Charles I. There were serious faults on the Royalist side as well.

Charles himself was not lacking in insight. He saw clearly enough the potential value of Irish aid and, unlike his advisers, recognised the fundamental loyalty of the

Irish Catholics to the English Monarchy. Moreover, being unable to give them reasonable satisfaction at the official level, he shrewdly realised he must make them an offer in secret. But, as in other fields, he failed to act with determination and consistency. He also had to pay a heavy penalty for the doubts as to his integrity which were inspired by his record of vacillation. Had he acquired a reputation as a man of high principle there is no question that the Confederates would have approached negotiations with him in a more frank and optimistic spirit. Indeed, they might have given him immediate aid and taken his word for future concessions. As it turned out, however, he incurred the odium of negotiating with Roman Catholics while reaping none of the possible benefits.

Nearly all the King's advisers appreciated the need for Irish assistance but none was prepared to pay for it. The Irish must give all and ask for little or nothing in return. Some of them, notably Ormond, were antipathetic to Roman Catholicism as a creed, preferring Puritanism in the last resort as less objectionable. Others, such as Digby, were not disposed to risk their reputations by appearing to yield to Catholic pressure until it was too late. Thus, the King was forced to act alone and to employ private agents like Glamorgan. Another consequence of their uncompromising attitude was to make the Confederates

all the more reluctant to rely upon the King's unsupported promise of concessions.

The actual negotiations did little damage to Charles' position in England. But by absorbing the time and energy and dissipating the constructive capacity which its government should have devoted to operating and perfecting the theoretically admirable political system that had been devised they destroyed the Confederacy. Arguments over the terms to be put to Charles also precipitated open conflict between the New Irish and the Old Irish. Of course this division already existed. But if the two groups had been compelled to preserve a united front in face of the threat of attack from England for two or three years - not just for ten months - it might have been bridged.

In his recently published work Professor Coonan described the Confederacy as though it were essentially a glorious episode in Irish history tarnished by the selfish scheming of the New Irish. This description does not fit in with the facts. The only splendid thing about the Confederacy was its inception. Its military achievements were undistinguished with the honourable exception of O'Neill's victory at Benburb. From the outset there was a marked lack of religious fervour, as Rinuccini quickly discovered. And how far from glorious was its political history - virtually the account of the negotiations with Charles I. It was a catalogue of malicious intrigues, pettifogging debates and



missed opportunities.

No one emerges with entire credit except perhaps Owen Roe O'Neill. For all his intolerance, it is impossible not to admire the high-mindedness, courage and style of Rinuccini. Ormond, too, impresses with his remarkable imperturbability, but at the same time arouses wonder that one so rigid and unenterprising could have commanded so much obedience, affection and respect. There are also the individualists who found so much scope in Ireland for their particular talents - the flighty yet essentially loyal Antrim, the irrepressible and ubiquitous Daniel O'Neill, and the intelligent, conscientious Leyburn; above all, George Digby, that curious mixture of the serious man of affairs and the unscrupulous, theatrical adventurer, and Glamorgan, the slightly absurd but attractive knight-errant. Only Charles I could have employed such an odd collection of men and only the unreal political atmosphere at Kilkenny could have inspired their fantasies.

The whole history of the Irish connexion with England was overcast with sadness and feelings of frustration and resentment. It was a pity, therefore, that the seventeenth century experiment in freedom failed. But many Irish Catholics had yet to learn that the tie with England had to be snapped once for all if they were not to remain the inhabitants of a depressed and exploited colony.

It was also ironic that the experiment failed because the Irish Catholics could not bring themselves to disown the unhappy cause of Charles I. For Charles would have lost the war with Parliament even if they had sent him all possible aid as soon as he asked for it. During the period when their large-scale intervention might have tilted the balance in his favour he was either reluctant to use them or unwilling to agree to their minimum terms. In any case, the utter waste of the Irish Royalist army which landed in the North-West in November, 1644, gave clear warning that even 10,000 Irish troops might make the crossing to England in vain.

J.H. Round and the Glamorgan Treaty <sup>1</sup>

Round's object was to show that Charles never authorised Glamorgan to arrange a treaty with the Confederacy. The commission dated March 12th which Glamorgan had produced as his authority had been forged.

He began his attack on the commission by assigning no fewer than five pages to proving that the letters which Glamorgan claimed to have received from the <sup>King</sup> ~~King~~ for transmitting to the Pope and the Nuncio<sup>2</sup> were transparent forgeries. He would seem to have justified this oblique approach on the grounds that Glamorgan invoked this correspondence to the Nuncio as carrying equal weight with the commission of March 12th - as though Glamorgan might have said, "I realise that the warrant is not utterly convincing by itself but here is independent confirmation". It is to be assumed that Round intended the reader to infer that if it could be proved that Glamorgan had forged a document of the same importance as the commission, it could also be taken that he had forged the commission itself. This is to drag a red herring across the trail. Round was failing to observe the estimable rule which he claimed for the modern historian and denied to his predecessors - the rule of distinguishing carefully between <sup>documents</sup> which were demonstrably false and others

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<sup>1</sup> "Lord Glamorgan's Treaty" in <sup>Studies in</sup> ~~Peerage~~ and Family History, pp. 396-434.

<sup>2</sup> See above pp. 420-4.



which might be genuine. Thus it by no means follows that because Glamorgan forged the two letters in question, he forged the commission as well.

In any case, is it quite certain, as Round scornfully asserted, that the letters were forged? Lingard stated that the originals were preserved in the Vatican archives and that they were written in the King's own hand.<sup>1</sup> Round also invoked Rinuccini's misgivings about these letters but these, it is hoped have been accounted for here already.<sup>2</sup> He also agreed with Gardiner that the date of the letter to the Nuncio was an unlikely one, for on April 30th, 1645, all negotiations were being handled by Ormond. Why then this separate attempt? Charles' well-known liking for dealings along more than one channel surely nullifies this particular objection.

Furthermore, there is positive evidence that Charles had communicated with the Nuncio (either by letter or verbally through Glamorgan) before July 7th, 1646. On that date, he wrote to Glamorgan:

"... so that let what will happen, you cannot doubt but that I shall keep to all the instructions and promises made to you and the Nuncio".<sup>3</sup>

Ordinarily it might be possible for Glamorgan's critics to add this letter to his long list of forgeries but not on this occasion. For the letter also contained the comment: "Therefore in referring you to Digby about the negotiations...". It is

1. See above pp. 422-3.

2. See above pp. 421-4.

3. Embassy, p. 185.

difficult to envisage any occasion when Glamorgan would have wished to insert such a comment in a letter he had forged for the Nuncio's benefit. Given that Charles had then communicated previously with the Nuncio, why should it not have been in a letter dated April 30th, 1645?

Round's sharpest weapon against the commission was the existence at Badminton of a draft in which:<sup>1</sup>

"Three months after his head was cut off, Charles... urges "His Holiness" to place faith in (Glamorgan now) the marquis of Worcester, 'omnium subditorum nostrorum optime merito'".

The implication is only too obvious. This was one of Glamorgan's experiments in forgery and, as usual, he was being rather clumsy.<sup>2</sup> It is impossible not to take Round's point. And yet, what purpose could have been served by such a forgery? Above all, when was the draft written? Was it necessarily Glamorgan's own work?

Round then turned to the commission itself. Accepting the signature as undeniably authentic, he held that the body of it had been written without the King's knowledge and contrary to his wishes. It is useful to follow his argument step by step.

In the first place, Glamorgan comes before us as a man gravely suspect, his two letters to the Pope having been fabricated on blanks and his two commissions of 1644 having

1. The draft ends, impossibly, as Round said, "Datum apud curiam nostram pene carcerem in Insula de Wight, 20 Aprilis 1649" (H.M.C.R. XI, 9, p. 33).

2. Op.cit., 410.

been complete forgeries.<sup>1</sup> It has been shown above, it is hoped, that this charge is by no means substantiated; it may therefore be questioned whether it is "antecedently probable that he (Glamorgan) would concoct this warrant if he found it essential for his purpose".

Next, he challenged Gardiner's opinion that the commission was governed by Glamorgan's instructions of January 2nd, and, indeed, there is no doubting the correctness of his contention that the commission of March 12th supersedes that of January 2nd. The fact does not, however, advance the argument in hand and seems to have been included rather to continue his exposition of Gardiner's carelessness.

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1. Apart from the commission of April 1st ( see above Chapter V), Glamorgan claimed at the Restoration to have received a patent dated May 4th, conferring upon him the dukedom of Somerset. There is a transcript of this patent among the Carte Papers in the Bodleian (Carte MS., 129, fo. 349). Dircks ascribed this patent to March 4th, 1646 (21 C.1.) (op.cit., pp. 162-3). He also stated that the original had been preserved at Badminton. Round (Peerage and Family History, p. 380) quoted from Dircks' transcript without apparently noticing this curious date.

Gardiner inspected this patent at Badminton and observed, as Anstis had once pointed out to Carte, that the word "primo" had been added to the date in different ink. At first, he presumed this addition had been inserted by Glamorgan in order to gain credence for his story when trying to claim the dukedom in 1660 (E.H.R., II, p. 705). Later on, Gardiner decided that the patent had been attested formally by the Crown to avoid the question of precedence over the first Marquis of Worcester who was also given a patent conferring the same dukedom in January, 1645 (E.H.R., III, p. 125; see above pp. 206-7). Round proved conclusively to his own satisfaction that the patent had been forged ("Lord Glamorgan's Dukedom" in Peerage and Family History, pp. 367-95).



Round further implied that it is highly suspicious that the commission should purport to be given:

"under our signet and royal signature",  
when it is impressed with the King's pocket signet only. As Digby and Nicholas both instantly remarked, it lacks the impress of the signet proper, always in the charge of the King's secretary, yet it is this signet only, Round averred, which can be referred to in the words 'our signet'.<sup>1</sup> But is it really certain that Charles could not possibly have given Glamorgan such a commission without getting the impression of the signet upon it? If Glamorgan was to be used as a secret agent, the King was hardly likely to consult either Nicholas or Digby and consequently could not use the signet.<sup>2</sup> It is also a singular fact that both <sup>h</sup>Nicolas and Digby were to show every sign of believing in Glamorgan's innocence. For instance, scarcely a month after publicly accusing Glamorgan of treason Digby wrote to Walsingham, his secretary:

"...I must not conclude without telling you, That I believe the accident here of my Lord Glamorgan and my party in his prosecution, will at first have allayed me much with your friends the Babylonians.<sup>3</sup> But when matters shall be rightly understood, you may assure them, That if His Majesties service had not obliged me to it, yet in relation to their Preservation, I ought to have done it ... As for the peace of the Kingdom, I make no

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1. On October 10th, 1643, the King had commanded that no warrant should be valid unless signed by a secretary of state ( Cal. Clar.S.P., I, p. 244); see also "His Majesty's instructions and warrant to me, when he was pleased to deliver the custody the Privy Signet", Aug. 7, 1641, Nicholas, op.cit., p. 135.

2. Or would Round have argued that every time the King desired to issue instructions of which he knew his secretaries disapproved he simply borrowed the signet from them!

3. The English Catholics.

"question but shall suddenly be brought to a happy conclusion; and my Lord Glamorgan not disabled by anything, that is done, to serve the King in what he hath means to do." 1

Shortly afterwards, reporting an encounter with Glamorgan when en route for France, Digby wrote:

"Here at Waterford I have mett with my lord of Glamorgan, whome I finde (as hee hath reason) a very sadd man, and withall highlye incensed against mee. But for this latter part, I beleewe his good nature, and the reasons which I have given him, have well settled him in a good measure of kindness..." 2

For the rest, Digby's references to Glamorgan were usually ribald. Nonetheless, it is scarcely possible to infer from these two extracts that he seriously believed Glamorgan to be guilty.

As to Nicholas, correspondence passing between him and Clarendon on the subject indicates that he was at least doubtful of the King's innocence. Moreover, at the Restoration, he seems to have replied favourably to Glamorgan's request that he support his claim to the dukedom of Somerset, a claim be it remembered which was based on Glamorgan's alleged contribution to the royal cause in the years 1644 and 1645. One would have expected Nicholas to reject his application out of hand.

Then Round turned to a question of English usage. When assuring Ormond in his letter of January 30, 1646, that he had

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1. Digby to Walsingham, Dublin, Jan. 17, 1646, "Three Letters Intercepted by Sir T. Fairfax" (London, 1645-6), B.M. 102.B.7.  
 2. Digby to Ormond, Apr. 7, 1646, Carte, VI, p. 369.

not granted Glamorgan power to act independently, the King used the expression "upon the faith of a Christian". Now, Round continued,

"in the warrant of 12 March Mr. Gardiner's own facsimile makes him promise (in)l the worde of a Kinge and a Christian'. Is it credible that Charles himself, or even an English secretary, could perpetrate this blunder? But if the warrant was written by a 'Romish Priest' for Glamorgan, he might have easily made a slip suggested by a Latin idiom." 2

As to the verbal slip being ascribable to a 'Romish priest', what evidence is there to show that Glamorgan's amanuensis, although a Catholic priest, was not English? When we check Round's source, we find that it is Birch's Inquiry,<sup>3</sup> that Birch himself is quoting another author who produces no reference to support his statement, besides being hostile to Glamorgan.<sup>4</sup> Furthermore, Round also cited the following quotation from Birch:

"The writer of the Nuncio's Memoirs is indeed of opinion, that the body of the King's letter to the Nuncio of the 30th of April, 1645, was in the handwriting of the Earl of Glamorgan's Secretary..." 5

without noticing apparently that over the page Birch suggested that this secretary may ~~have~~ have been an Englishman, Edward Bosden.<sup>6</sup>

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1. Round's italics.

2. Op.cit., p.417.

3. Op.cit., p.330.

4. The author was Carte who used this description in a review of D.Neale's History of the Puritans.

5. Op.cit., p.333.

6. Ibid., p.334. On at least one occasion Bosden carried an important message from Glamorgan to the King (see above p.329).



Now it is presumably reasonable to assume that Glamorgan - or the King? - dictated the wording of his commissions himself, since we must believe otherwise that his secretary fabricated them for his approval. If this secretary were English, how then did he come to take down or copy "in" for "upon"? Presumably because he made an insignificant slip which anyone, Romish priest or not, might sometimes make.

The rest of Round's case was circumstantial. It may be summarised under six heads. These will be considered one by one.

First, Glamorgan was "fantastic, ardent, feather-brained", full of wild schemes, incredible promises and colourful exaggerations of his past achievements. These characteristics support the view that he would falsify his powers.<sup>1</sup>

It is undeniable that Glamorgan's contemporaries found him romantic. Rinuccini - for one - thought him somewhat sanguine. But, even so, many people credited him with practical ability. Thus, he was appointed military commander of South Wales, commissioned to raise Irish troops, given supreme command of the Confederate forces and accepted by the Irish as Lord Lieutenant apparent. It is also noteworthy that Professor Dodds with his special knowledge of Glamorgan's career in Wales described him as energetic and resourceful. Perhaps, therefore, the opinions of those contemporaries who belittled him should not be taken as reliable evidence. After

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1. Op.cit., p.418.

all, he was a Catholic of distinction and all his detractors were Protestants. It is not intended to suggest by this defence that Glamorgan was an outstanding leader and organiser - merely that the picture of him as an incompetent poseur is unconvincing.<sup>1</sup>

It is only fair, however, to record that Round cited two particular examples of his habit of exaggeration, and, indeed, of telling untruths. To begin with, there were these four statements:

i. Letter to the Nuncio dated February 6th urging the necessity of sending "without the least delay, 3,000 men to succour Chester", while "the other seven thousand soldiers (of the ten thousand) need not be sent till they had communicated with the King".

ii. February 8th. Letter to Ormond boasting "Myself alone having, by the interest and goodwill of the Nuncio, gained this point, that three thousand soldiers are to be sent to the relief of Chester; and to-morrow or next day he is to have the chief management of that proposal in the General Assembly".

iii. February 23rd. Letter to the King: "I am now at Waterford, providing shipping immediately to transport 6,000 (sic) foot; and 4,000 foot are by May to follow them".

iv. February 28th. Letter to Lord Hopton: "that the ten thousand men are designed for his Majesty's service, six (sic)

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1. It may be that Glamorgan's social manner was less flamboyant than his literary style - the provenance of most of the subsequent appreciations of his character.

thousand of which are ready for transportation".<sup>1</sup>

Round singled out two discrepancies from these extracts. The Nuncio did not support the proposal as claimed by Glamorgan in his letter dated February 8th (ii), only doing so after Glamorgan's abject submissions on February 16th~~th~~ and 19th. Secondly, "there is (in these instances) that incorrigible bombast, that vainglorious exaggeration, which seems inseparable from everything he writes or (in his forgeries) makes others write about himself and his performances".<sup>2</sup>

On the first point, it is true that the Nuncio did not press the General Assembly for the despatch of troops until February 21st. But, on the other hand, there is no evidence - certainly none adduced by Round himself - to prove that the Nuncio did not, as Glamorgan stated, agree to their despatch on the 7th. It is to be noted that for ~~the~~ his facts and his chronology in respect of this episode Round drew upon Birch who in his turn was quoting from the Commentarius. Now, it so happened ~~that Rinuccini~~ that Rinuccini reported to Rome on February 13th (sic) that Glamorgan had "frankly made his choice and submitted himself to my wishes".<sup>3</sup> His previous report was dated January 1st.<sup>4</sup> As he did not specify when Glamorgan had made his submission, it could easily have been on February 7th. On the same date also Rinuccini may well have consented to sponsor the despatch of troops.

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1. Op.cit., pp.424-5.

2. Ibid., p.425.

3. Embassy, p. 117.

4. Ibid., p. 108.



As to the second claim to have had 6,000 troops in readiness when, as Round presumed, the provision of only 3,000 had been sanctioned, why did Glamorgan repeat the larger number in letters to so many people? In particular, why should he have informed Vice-Admiral von Hasenduncke that 6,000 were ready to sail,<sup>1</sup> since Hasenduncke was one of the seamen who were to provide shipping for the expedition and would require exact information. The fact is that whereas only 3,000 troops were to be sent to Chester in the first instance, the Confederacy had agreed to raise 6,000 of the 10,000 troops which they were to furnish in all. There are many references to bear out this claim.<sup>2</sup>

The second of Round's six circumstantial points was that Glamorgan's particular religion led him to act in accordance with the doctrine of "the end justifies the means".<sup>3</sup> This would seem a gratuitous innuendo. Roman Catholics in England were neither more nor less disposed than members of other creeds to rationalise the measures taken to propagate their faith. What is to be said, for example, of the conduct of both sides in Montrose's campaigns or of Cromwell's god-fearing Roundheads in Ireland? In any case, Glamorgan's

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1. C.S.P.I., p.439.

2. A proclamation was issued by the Supreme Council on March 9th declaring that shipping was ready for 6,000 men (It was drafted by Glamorgan in his capacity of supreme commander but the Council would never have permitted its publication if it had contained a serious misstatement.). (Gilbert, V, pp.267-9; A Light to the Blind, ff.130-3 - giving the date as March 3rd; Bellings recorded that warrants had been issued for 6,000 men to muster at the ports immediately after the ~~per~~ Assembly had gone into recess, that is, immediately after March 4th (Gilbert,

devotion to Rome was matched by his fervent loyalty to Charles I. He would never wittingly have risked damaging Charles' cause.

Round continued with a negative point. Charles can be accused in only one instance of "shuffling in the matter of Glamorgan's powers" and even then not seriously.<sup>1</sup> This was in his official communications to Ormond and the Council on first hearing of Glamorgan's arrest.<sup>2</sup> Here it is not necessary to consider Round's defence of some of the incriminating locutions that occur in these letters but rather to point out that far from being an isolated example of 'shuffling', this is but one of four. Thus, there was Charles' repudiation of the Glamorgan title despite his own frequent use of it, his lame prevaricating letters to his wife, and his strange letter to Glamorgan himself.<sup>3</sup>

Fourthly, Glamorgan did not "run straight" in some of his letters. Round mentioned two occasions when Glamorgan played Ormond false: when he wrote to him after signing his peace treaty on August 25th without referring to it and while pretending that he was occupied with furthering the public negotiations; and, again, on November 28th, 1646, when he protested his allegiance to Ormond at the very time when ~~he was plotting to supplant him as Lord Lieutenant.~~<sup>4</sup> Here is

V, p.13); there were also several references to 6,000 troops being ready in Ormond's correspondence (cf. Col. Flowers to Ormond, Mar. 31, T.C.P., XVII, p. 21; Muskerry to Ormond, Apr. 3, *ibid.*, p. 34.

3. *Op.cit.*, p. 418.

1. *Ibid.*, p. 419.

2. See above pp. 467-9 where these letters are discussed.

3. See above p. 470 ff.

he was plotting to supplant him as Lord Lieutenant.<sup>1</sup> Here is yet another instance of a conclusion being drawn from the very premise in dispute - that Charles did not authorise Glamorgan to act independently of Ormond. For, if on the contrary he did give him secret instructions, it was because he despaired of success through the agency of Ormond.

In the fifth place, Round commented upon the discrepancy between the number of documents printed by Dircks from the Badminton collection and the number subsequently included in the H.M.C. report made by J.A. Bennett. At least those missing from the report ought to be seen before we accept them as authentic.<sup>2</sup>

This is obviously true but it is difficult to see how Round's argument is thereby advanced. For one point is clear. If Bennett omitted them deliberately, it was not because he considered them to be forged but because they seemed unimportant.<sup>3</sup>

Finally, Round turned his attention to the letter dated 20 July, 1646 and headed Newcastle which Glamorgan claimed he had received from the King.<sup>4</sup> Two statements in this

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1. Op.cit., pp.426-7.

2. Ibid., pp.427-8.

3. It is in fact virtually certain that Bennett saw only the documents which he included in his report. All sorts of questions then suggest themselves. Were the missing documents withheld from him? Or had they been destroyed? If so, by whom and when? Why? The present writer asked the Duke of Beaufort if he might examine the family papers. His Grace replied cryptically that it would be a waste of time. And there for a time at least the matter must rest.

4. See above pp.547-50.



letter struck him as incredible: the statement that

"If you can raise a large sum of money by pawning my kingdoms for that purpose, I am content you should do it; and if I recover them, I will fully repay that money...";

and the second statement that:

"And tell the Nuncio that if once I can come into his and your hands, which ought to be extremely wished for by you both, as well for the sake of England as Ireland, since all the rest, as I see, despise me, I will do it". 1

As to the first statement, Round posed several questions to which he implied there could be no valid answer. Who was to act as pawnbroker? Who would loan a 'large sum' on the strength of a private letter? Why seek a pawnbroker in Ireland when the King's recognised agent was the Queen in Paris? But why so much insistence on reference to a 'pawnbroker' as though the King would have had anything more definite in mind than that Glamorgan might obtain a loan from private persons with the promise that the King would repay them at some future date? <sup>also/</sup> Round was forgetting the vast sums which Glamorgan had obtained for the King in the past. As for asking the Queen, he had done so already. Had she not been trying for years to raise money for him, even to selling and 'pawning' her jewellery? Charles, as has been seen, was capable of using any number of agents to carry out his schemes.

With regard to the King's going to Ireland, Round argued that if he wished to go anywhere it was to France and that in any case Charles could never have risked joining the

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L. Round quoted from Dircks (p.174).

Nuncio for fear of uniting all his enemies in the three kingdoms. The first objection scarcely merits serious attention. Round himself quoted from Gardiner:

"On the 8th (July) he wrote to Ashburnham that he believed himself to be lost unless he could escape to France before August", 1

without noticing apparently that this would have been an even more desperate step than escaping to Ireland. Disappointed of aid from the Scots, Charles had temporarily surrendered to despair. To one correspondent he might describe escape to France as his only hope, to another he might mention Ireland. But whatever he wrote at this time could not be regarded as the result of considered thought.

Paradoxically the second objection is based on the assumption that Charles still expected to recover his throne by playing off the Scots against Parliament. No doubt the assumption is correct. It is also true that Charles could scarcely have wished to give the appearance of negotiating with the Irish Catholics. But it does not follow that he did not wish to use Ireland as a bolt-hole if his strategy failed. Indeed, it was characteristic of Charles to indulge in two apparently conflicting sets of negotiations at the same time.

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1. Op.cit., pp.431-2,n.

One final comment upon Round's case against the commission is called for. In the course of a most searching inquiry he made no attempt to disprove that Glamorgan had been given blanks bearing the King's signature and the impression of the pocket signet. Indeed, although he nowhere stated so explicitly, he implied that Glamorgan filled in these blanks with instructions which purported to issue from the King but were in fact concocted by himself.

Now at one stage in his argument Round criticised S.R. Gardiner for taking the authenticity of the March 12 commission as read, stating "But that is precisely the question that we have to discuss". The same comment can be made in respect of his own treatment of the blanks. For what was the King doing giving blanks to the "fantastic, ardent, feather-brained" Glamorgan? It was an uncommon practice.<sup>1</sup> Glamorgan's judgement is alleged to be unsound. At the very least, it may be assumed perhaps that they were intended for use as commissions to the officers of the expeditionary force to be raised by Glamorgan - which seems to confirm the

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1. There are a few examples. George Leyburn conveyed a number of blanks from the Queen and Prince of Wales to Ormond in 1647. Cf. also Charles II to Mr. Secretary: Nicholas:

"Mr. Secretary Nicholas, I have given the bearer his dispatch, and have signed all the Commissions with fifty-three blanks which I desire you to fill up as you shall have occasion, there are two commissions for the Marquis of Hertford, that if one should miscarry the other might serve..."

(D. Nicholas, op.cit., p.251; Diary and Correspondence of John John Evelyn, F.R.S., ed. William Bray, London, n.d., p.823).



belief that Charles' expectations of his incompetent subordinate were surprisingly high. Would it not have been more sensible to give him warrants such as he claimed to have received rather than turn him loose on Ireland with a sheaf of signed blanks? Even if it be granted that the King verbally warned Glamorgan that his powers were limited, the issuing of these blanks exposes him as reckless and foolish.

That Charles had nothing with which to reproach Glamorgan may perhaps be deduced from the following letter which Henrietta Maria wrote to him from Saint Germain on May 20, 1648:

"Nous Henriette Marie de Bourbon Reyne de la Grande Bretagne avons par l'ordre du Roy notre tres honore Seigneur et Mary fait delivrer es mains de notre tres cher, et bien amé cousin Edouard Somerset, Comte et Marquis d'Worcester, un collier de rubis contenant dix gros rubis et cent soixante perles enchassées et enfilées en ore entré les dits rubis, comme aussi deux gros diamans l'un appelle Saucy et l'autre le Portugal, confessans qu'outre les tres grandes devesnes faites par luy, pour ledit Roy notre tres honoré Seigneur, il nous a encore fourny trois cens soixante et dix mil livres tournois outre ses tres grands services qu'a ce present mesure il nous fait qui sont au moins d'egale consequence, au regard de quoy nous faisons scavoir que le dit collier et diamans sont totalement pour en disposer par lui soit par vente ou engagement sans que nous ou aucun en notre nom puisse en faire aucune demande, rechercher ou troubler aucune personne qui achetera ou ou prestera argent sur lesdits joyaux cy dessus nommer, en temoignage de quoy nous avons signé et fait mettre notre seél royal a cette presente en notre Cour a St Germain en Laye ce jourdhuy 20 May mil six cens quarante huit." 1

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1. H.M.C.R., X11, app. 1X, p. 31.

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